

Senators Davidson of Galveston, Neal, Hanger, Turner, Swann.

# HOUSE BILL NO. 372—FREE CONFERENCE COMMITTEE NAMED.

The Chair also announced the appointment of the Free Conference Committee on House bill No. 372 (mineral survey bill), as follows:

Senators Patterson, Sebastian, Davidson of DeWitt, Turney, Dibrell.

## ADJOURNMENT.

Senator Lipscomb moved that the Senate recess until 8 o'clock p. m., and

Senator Davidson of DeWitt moved that the Senate adjourn until 10 o'clock a. m. tomorrow.

Action recurring on the longest time first, the motion of Senator Davidson of DeWitt prevailed, and the Senate, at 6:40 o'clock p. m., accordingly adjourned by the following vote:

Yeas—14.

Beaty.	Patterson.
Davidson of	Paulus.
DeWitt.	Sebastian.
Dibrell.	Staples.
Grinnan.	Turney.
Hanger.	Wayland.
Harris of Bexar.	Yett.
Miller.	

Nays—11.

Davidson of	McGee.
Galveston.	Odell.
Harris of Hunt.	Potter.
James.	Savage.
Lipscomb.	Turner.
Lloyd.	Wilson.

Absent.

Johnson.	Swann.
Neal.	Wheeler.
Stafford.	

Absent—Excused.

Goss.

## FIFTY-SIXTH DAY.

Senate Chamber,  
Austin, Tex., Saturday, April 6, 1901.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—27.

Beaty.	Grinnan.
Davidson of	Hanger.
DeWitt.	Harris of Bexar.
Davidson of	Harris of Hunt.
Galveston.	James.
Dibrell.	Johnson.

Lipscomb.	Stafford.
Lloyd.	Staples.
McGee.	Swann.
Miller.	Turner.
Odell.	Turney.
Paulus.	Wayland.
Potter.	Wheeler.
Savage.	Wilson.
Sebastian.	

Absent—3.

Neal.	Yett.
Patterson.	

Absent—Excused.

Goss.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Stafford, the same was dispensed with.

The Chair here declared the morning call concluded.

## HOUSE BILL NO. 136—ON SECOND READING.

On motion of Senator Lipscomb, the pending order of business (Senate bill No. 169) was suspended, and the Senate took up, out of its order,

House bill No. 136, A bill to be entitled "An Act to provide relief for purchasers of school lands in Wharton county, by relieving such purchasers from the payment of principal and interest for a period if five years."

The Chair laid the bill before the Senate, on its second reading.

Bill was read second time, and

Senator Lipscomb offered the following amendment:

"Amend caption of bill to read 'Brazoria, Waller, Fort Bend, Harris and Matagorda counties,' after Wharton; and also add these counties in the body of the bill wherever the name 'Wharton county' appears."

Amendment was read, and adopted.

The bill was then passed to a third reading.

On motion of Senator Lipscomb, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Lloyd.
Davidson of	McGee.
DeWitt.	Miller.
Grinnan.	Odell.
Hanger.	Paulus.
Harris of Bexar.	Potter.
Harris of Hunt.	Savage.
Johnson.	Sebastian.
Lipscomb.	Stafford.

Staples.  
Swann.

Turner.  
Wheeler.

Absent.

Davidson of            Patterson.  
Galveston.        Turney.  
Dibrell.            Wayland.  
James.            Wilson.  
Neal.              Yett.

Absent—Excused.

Goss.

Bill was read third time, and passed.  
Senator Lipscomb moved to reconsider  
the vote by which the bill was passed,  
and lay that motion on the table.  
Motion to table prevailed.

#### HOUSE BILL NO. 98—ON SECOND READING.

On motion of Senator Potter, the pend-  
ing order of business (Senate bill No.  
169) was suspended and the Senate took  
up, out of its order.

House bill No. 98, A bill to be entitled  
"An Act to amend Section 6, Chapter 11,  
Acts of the Twenty-sixth Legislature,  
passed at the First Called Session,  
known as S. S. B. No. 2, and approved  
February 23, 1900, relating to the sale  
of unsurveyed school land."

The Chair laid the bill before the Sen-  
ate, on its second reading.

Bill was read second time, and

Senator Turner offered the following  
amendment:

"Amend the bill by adding after the  
figures '1900' at the conclusion of Sec-  
tion 1, and before the emergency clause,  
the following additional proviso: 'Pro-  
vided further, that all tracts or parcels  
of unsurveyed school lands containing  
six hundred and forty acres or less, and  
which are now or may hereafter become  
detached from other public lands, shall  
be sold, at not less than one dollar per  
acre cash, without the conditions of act-  
ual settlement, as now provided by law  
relating to the sale of other public school  
lands; or to actual settlers on the same  
terms and conditions that surveyed lands  
are sold to actual settlers. This proviso,  
however, shall only apply to school lands  
lying west of the 97th meridian of longi-  
tude.'"

Amendment was read, and adopted.

Senator Potter offered the following  
amendment:

"Amend by striking out the word  
'shall' and inserting 'may' in lieu there-  
of, after words the 'field notes' and be-  
fore the words 'be recognized,' in Section  
1, line —, of the bill, and inserting 'Sec.  
2' before the 'whereas' and after the  
figures '1900.'"

Amendment was read, and adopted.

Bill as amended was passed to a third  
reading.

On motion of Senator Potter, the con-  
stitutional rule requiring bills to be read  
on three several days was suspended and  
the bill put on its third reading and final  
passage by the following vote:

Yeas—21.

Beaty.	McGee.
Davidson of	Miller.
DeWitt.	Odell.
Davidson of	Paulus.
Galveston.	Potter.
Grinnan.	Savage.
Hanger.	Sebastian.
Harris of Bexar.	Stafford.
Harris of Hunt.	Staples.
Johnson.	Turner.
Lipscomb.	Wheeler.
Lloyd.	

Absent.

Dibrell.	Turney.
James.	Wayland.
Neal.	Wilson.
Patterson.	Yett.
Swann.	

Absent—Excused.

Goss.

Bill was read third time, and passed.  
Senator Potter moved to reconsider the  
vote by which the bill was passed, and  
lay that motion on the table.

Motion to table prevailed.

#### FIRST HOUSE MESSAGE.

The following first House message was  
here delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, April 6, 1901.

*Hon. J. N. Browning, President of the  
Senate.*

SIR: I am directed by the House to  
inform the Senate that the House has  
adopted the Free Conference Committee  
report on House bill No. 189.

Also the House has adopted the Con-  
ference Committee report on House bill  
No. 169.

Also the House has concurred in Sen-  
ate amendments to House bill No. 371.

Also the House has concurred in Sen-  
ate amendments to House bill No. 347.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### COMMITTEE REPORT.

Committee Room,

Austin, Texas, April 5, 1901.

*Hon. J. N. Browning, President of the  
Senate.*

SIR: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 301, being a bill to be entitled "An Act to amend Chapter 2, Title XXV, Revised Statutes of Texas, of 1895, by adding Articles 884, 885 and 886, giving cities, towns or counties that have been visited by storms, floods or other great disasters the power to compromise or refund their valid bonded and floating indebtedness, and to issue bonds for the purpose, and to repeal all laws in conflict herewith,"

And find the same correctly engrossed.  
BEATY, Chairman.

#### HOUSE BILL NO. 35—MOTION TO TAKE UP ON ITS SECOND READING.

Senator Harris of Hunt moved that the pending order of business (Senate bill No. 169) be suspended and the Senate take up, out of its order,

House bill No. 35, A bill to be entitled "An Act to create and establish an industrial institute and college in the State of Texas for the education of white girls in the arts and sciences."

#### POINT OF ORDER BY SENATOR DAVIDSON OF DEWITT.

Senator Davidson of DeWitt made the point of order that under the resolution by Senator Johnson, offered on April 4th, and amended and adopted on April 5th, that House bills other than local or road bills could not be considered on any other day than Tuesdays, save by unanimous consent, and he then and there gave notice of his objections.

#### RESOLUTION BY SENATOR JOHN- SON AS AMENDED AND ADOPTED.

(See Journal of yesterday.)

Resolved, That Tuesdays be set apart for the consideration of House bills, and that no House bill, except by unanimous consent, be considered on any other days, and that they be taken up in their regular order. The provisions of this resolution shall not apply to local or road bills.

The Chair sustained the point of order made by Senator Davidson of DeWitt (see above).

Senator Potter then made a motion that the Senate reconsider the vote by which the resolution was on yesterday adopted.

Senator Davidson of DeWitt made a second point of order that the Senate could not repeal an established rule of the Senate such as the resolution became by reason of its adoption, unless notice of such repeal had been given one day in advance.

This point of order the Chair overruled.

Senator Harris of Hunt then appealed from the ruling of the Chair on the first point of order made by Senator Davidson of DeWitt, and

Lieutenant-Governor Browning called Senator Stafford to the chair for the purpose of determining the appeal.

(Senator Stafford in the chair.)

Senator Potter here withdrew his motion to reconsider the vote by which the Senate on yesterday adopted the resolution, and

Senator Harris of Hunt withdrew his appeal from the decision of the Chair, on the first point of order made by Senator Davidson of DeWitt, and asked that the Journal so show.

It was so ordered.

Senator Miller then moved that the Senate reconsider the vote by which the resolution offered by Senator Johnson was on yesterday adopted.

Senator Davidson of DeWitt again renewed his point of order that the Senate could not repeal an established rule of the Senate, such as the resolution was by reason of its adoption, unless notice of such repeal had been given one day in advance.

The Chair (Senator Stafford) overruled the point of order.

Action recurring on the motion of Senator Miller to reconsider the vote by which the Senate on yesterday adopted the resolution, the same prevailed, which again brought the resolution (see above) before the Senate.

Senator Hanger requested that the resolution lay on the table subject to call.

Senator Davidson of DeWitt gave notice of immediately calling the resolution up, and

Senator Hanger then moved that the resolution be postponed for thirty minutes (until 11:30 o'clock a. m.).

Senator Davidson of DeWitt offered a motion amending that it be made a special order for that time, which motion Senator Hanger accepted, and it became a part of his original motion.

Action recurring on the motion of Senator Hanger to make the resolution a special order for 11:30 o'clock a. m., the same was lost.

Senator Hanger then moved that the resolution be postponed until 11:25 o'clock a. m. (twenty-five minutes).

Senator Odell moved the previous question on the motion and the resolution, which, being duly seconded, the Chair (Senator Stafford) put the question—

Shall the main question be now ordered?

The main question was ordered, and the motion of Senator Hanger to post-

pone the resolution was lost by the following vote:

Yeas—6.

Beaty.	McGee.
Davidson of	Miller.
Galveston.	Swann.
Hanger.	

Nays—17.

Davidson of	Neal.
DeWitt.	Odell.
Grinnan.	Paulus.
Harris of Bexar.	Potter.
Harris of Hunt.	Savage.
James.	Sebastian.
Johnson.	Stafford.
Lipscomb.	Turner.
Lloyd.	Wheeler.

Absent.

Dibrell.	Wayland.
Patterson.	Wilson.
Staples.	Yett.
Turney.	

Absent—Excused.

Goss.

Question recurring on the resolution by Senator Johnson (see above) the same was lost by the following vote:

Yeas—1.

Johnson.

Nays—22.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Paulus.
Grinnan.	Potter.
Hanger.	Savage.
Harris of Bexar.	Sebastian.
Harris of Hunt.	Stafford.
James.	Staples.
Lipscomb.	Swann.
Lloyd.	Turner.
McGee.	Wheeler.
Miller.	

Absent.

Davidson of	Turney.
Galveston.	Wayland.
Dibrell.	Wilson.
Patterson.	Yett.

Absent—Excused.

Goss.

Senator Odell moved to reconsider the vote by which the resolution was lost, and lay that motion on the table.

Motion to table was lost by the following vote:

Yeas—8.

James.	Savage.
Odell.	Staples.
Paulus.	Swann.
Potter.	Wheeler.

Nays—15.

Beaty.	Davidson of
	DeWitt.

Grinnan.	McGee.
Hanger.	Miller.
Harris of Bexar.	Neal.
Harris of Hunt.	Sebastian.
Johnson.	Stafford.
Lipscomb.	Turner.
Lloyd.	

Absent.

Davidson of	Turney.
Galveston.	Wayland.
Dibrell.	Wilson.
Patterson.	Yett.

Absent—Excused.

Goss.

The question then recurred on the motion to reconsider the vote by which the resolution was lost, the same was lost by the following vote:

Yeas—4.

Beaty.	Johnson.
Hanger.	Miller.

Nays—17.

Davidson of	Odell.
DeWitt.	Paulus.
Grinnan.	Potter.
Harris of Bexar.	Sebastian.
Harris of Hunt.	Stafford.
James.	Staples.
Lipscomb.	Swann.
Lloyd.	Turner.
McGee.	Wheeler.

Absent.

Davidson of	Savage.
Galveston.	Turney.
Dibrell.	Wayland.
Neal.	Wilson.
Patterson.	Yett.

Absent—Excused.

Goss.

HOUSE BILLS NOS. 275, 312 AND 371  
—SIGNED.

(Lieutenant-Governor Browning in the chair.)

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

House bill No. 275, "An Act to amend Section 26, Chapter 5, General Laws of the State of Texas, passed at the First Called Session of the Twenty-fifth Legislature of the State of Texas, approved June 26, 1897, fixing certain civil fees to be charged by certain county and precinct officers."

House bill No. 312, "An Act to authorize and create a more efficient system of public roads and bridges for Liberty county, Texas; for the issuance of bonds for said county for the purpose of constructing permanent public roads; to authorize the investment of the public school fund of the State and of said

county in such bonds; to provide for and limit the expenditure of moneys arising from the sale of such bonds; to prescribe and define the powers and duties of the commissioners court in reference thereto, and to validate public roads heretofore laid out and established in said county."

House bill No. 371, "An Act to amend Chapter 6, Title XI, of the Penal Code of the State of Texas, by adding thereto Article 402a, relating to C. O. D. shipments of intoxicating liquors into any county, justice precinct, city or town, or subdivision, in which sale thereof is prohibited by law; declaring same to be a sale at the place of delivery."

**SENATE BILL NO. 105—MOTION TO RECONSIDER VOTE CONCURRING IN HOUSE AMENDMENTS.**

Senator Potter moved that the Senate reconsider the vote by which House amendments to

Senate bill No. 105, A bill to be entitled "An Act to amend Section 4, Chapter 7, of the act passed by the Called Session of the Twenty-sixth Legislature, approved February 21, 1900, so as to provide that school trustees in independent school districts not in a city or town having an assessor and collector shall elect from the members of the board an assessor and collector of taxes; and to prescribe his powers and duties and the duties of the board with reference to the collection of taxes; also for the organization of the board and the election of officers,"

Were on yesterday adopted, and asked that the same be spread on the Record.

It was so ordered.

**HOUSE BILL NO. 35—ON SECOND READING.**

(Senator Stafford in the chair.)

On motion of Senator Harris of Hunt, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 35 (Industrial School Bill—for caption see under heading above).

The Chair (Senator Stafford) laid the bill before the Senate, on its second reading.

Bill was read second time, and

Senator Harris of Hunt moved the previous question on the passage of the bill to a third reading, allowing fifteen minutes for Senators to offer amendments and discuss the same, which motion was duly seconded, but never put to a vote.

**EXCUSED.**

On motion of Senator Wheeler, Senator Yett was excused from attendance upon the Senate today on account of important business.

**HOUSE BILL NO. 35—CONSIDERATION OF RESUMED.**

Senator Davidson of DeWitt offered the following amendment to pending business, House bill No. 35:

"Amend by striking out the appropriation in the bill and add in lieu thereof the sum of \$2000, and that said amount shall be used to pay the expenses of the commissioners in locating said school."

Senator Turner moved the previous question on the amendment and the bill, which motion was duly seconded, and the Chair (Senator Stafford) put the question—

Shall the main question be now ordered?

The main question was ordered, and the amendment by Senator Davidson of DeWitt was read, and lost.

The bill was then passed to a third reading.

On motion of Senator Harris of Hunt, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Beaty.	Miller.
Davidson of	Odell.
DeWitt.	Paulus.
Grinnan.	Potter.
Hanger.	Savage.
Harris of Bexar.	Sebastian.
Harris of Hunt.	Stafford.
James.	Staples.
Johnson.	Swann.
Lipscomb.	Turner.
Lloyd.	Wheeler.
McGee.	

Absent.

Davidson of	Patterson.
Galveston.	Turney.
Dibrell.	Wayland.
Neal.	Wilson.

Absent—Excused.

Goss.	Yett.
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Bill was read third time, and passed.

Senator Harris of Hunt moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

**HOUSE BILL NO. 35—REASONS FOR VOTE.**

"I vote for this bill for the reason that it has been demanded by the party, but

I am, as I have been from the beginning of the agitation of this matter, of the opinion that this school will be a failure.  
"DAVIDSON of DeWitt."

# HOUSE BILL NO. 429—ON SECOND READING.

On motion of Senator McGee, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 429, A bill to be entitled "An Act to create a more efficient road system for Van Zandt county."

The Chair (Senator Stafford) laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

On motion of Senator McGee, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Davidson of	Neal.
DeWitt.	Odell.
Grinnan.	Paulus.
Hanger.	Potter.
Harris of Bexar.	Savage.
James.	Sebastian.
Johnson.	Stafford.
Lipscomb.	Staples.
Lloyd.	Swann.
McGee.	Turner.
Miller.	Wheeler.

Absent.

Beaty.	Patterson.
Davidson of	Turney.
Galveston.	Wayland.
Dibrell.	Wilson.
Harris of Hunt.	

Absent—Excused.

Goss. Yett.

Bill was read third time, and passed.

# HOUSE BILL NO. 296—ON SECOND READING.

On motion of Senator Johnson, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 296, A bill to be entitled "An Act to amend Articles 575 and 576, of Chapter 6, Title XIV, of the Penal Code of the State of Texas, relating to public weighers, and to persons weighing for the public, and to punish such persons using false balances or instruments for weighing and for fraudulently giving a wrong weight or certifying to a wrong weight, and to prescribe a penalty for violating same."

The Chair (Senator Stafford) laid the

bill before the Senate, on its second reading.

Senator Harris of Bexar offered the following amendment:

"Amend by adding in line 28, page 1, after the word 'commodity,' the words 'knowing the same to be false.'"

Amendment was read, and adopted.

Senator Miller offered the following amendment:

"Amend page 1, line 29, printed bill, by striking out 'by confinement in the penitentiary not less than two years nor more than three years' and substituting 'by a fine of not less than \$25 nor more than \$100.'"

Amendment was read, and adopted.

The bill was then passed to a third reading.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Paulus.
Grinnan.	Potter.
Hanger.	Savage.
Harris of Bexar.	Sebastian.
Johnson.	Stafford.
Lipscomb.	Staples.
Lloyd.	Swann.
McGee.	Turner.
Miller.	Wheeler.

Absent.

Davidson of	Patterson.
Galveston.	Turney.
Dibrell.	Wayland.
Harris of Hunt.	Wilson.
James.	

Absent—Excused.

Goss. Yett.

Bill was read third time, and passed.

Senator Johnson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

# HOUSE BILL NO. 514—REQUEST FOR FREE CONFERENCE COMMITTEE REFUSED.

Senator Miller called up the House message announcing the refusal of the House to concur in the Senate amendments to

House bill No. 514, A bill to be entitled "An Act to amend certain sections of an act entitled 'An Act to incorporate the city of Dallas, and to grant it a new charter,' approved May 9, 1899, and subsequent amendments thereto, passed by the First Called Session of the Twenty-

sixth Legislature, and to repeal certain sections thereof, and declaring an emergency,"

And moved that the Senate do not grant the House's request for a Free Conference Committee.

The motion prevailed.

#### SENATE BILL NO. 53—FREE CONFERENCE COMMITTEE REQUESTED.

Senator Harris of Hunt called up from the table, where it lay with House amendments,

Senate bill No. 53, A bill to be entitled "An Act regulating the printing of election tickets to be voted at any State, district, county, precinct or municipal election or primary election in this State; defining the duties of those charged with the responsibility of providing election tickets, with reference to the preparation of such tickets; providing for the endorsement of such regularly prepared tickets as official by the county judge of the county wherein such ticket is to be voted; prohibiting the printing or circulating of election tickets not so prepared and endorsed as official, and providing a penalty therefor,"

And moved that the Senate do not concur in the House amendments thereto, and ask the House for the appointment of a Free Conference Committee.

The motion prevailed, and

#### SENATE BILL NO. 53—FREE CONFERENCE COMMITTEE NAMED.

The Chair (Senator Stafford) announced the following committee:

Senators Harris of Hunt, Staples, Harris of Bexar, Wheeler and Paulus.

(Lieutenant-Governor Browning in the chair.)

#### SECOND HOUSE MESSAGE.

The following second House message was here delivered to the Senate:

Hall of the House of Representatives.  
Austin, Texas, April 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on House bill No. 224, the Galveston charter bill.

Also that the House has refused to concur in Senate amendments to House bill No. 514, and asks the appointment of a Free Conference Committee, and appoints the following: Messrs. Lively, Robertson of Williamson, Nicholson,

Kennedy of Limestone and Shaw, on the part of the House.

Also that the House concurs in the Senate amendments to House bill No. 516.

Also has passed Senate Concurrent Resolution No. 12, Authorizing and instructing the Secretary of State, with the approval of the Governor, to exchange certain books, etc., with amendments.

Respectfully,

LEE J. ROUNTREE,  
Chief Clerk House of Representatives.

#### COMMITTEE REPORT.

(By unanimous consent.)

Committee Room,  
Austin, Texas, April 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 328, being a bill to be entitled "An Act to amend Chapter 5, of the Criminal Code of the State of Texas, by adding thereto Article 430b, prohibiting the shooting, hunting or killing of wild ducks, wild geese or other wild aquatic fowls at night in Harris, Jefferson and Galveston counties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and that it be not printed.

Floor report.

MILLER, Acting Chairman.

#### HOUSE BILL NO. 189—FREE CONFERENCE COMMITTEE REPORT ADOPTED.

Senator McGee called up from the table the Free Conference Committee report on

House bill No. 189, A bill to be entitled "An Act to amend Article 4340, of Title XCII, of the Revised Statutes, relating to declaring quarantine in counties, cities and towns, and to the maintenance of the same,"

And moved that the following Free Conference Committee report be adopted:

Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate, and Hon. R. E. Prince, Speaker of the House of Representatives.*

SIRS: We, your Free Conference Committee appointed to adjust the differences between the House and Senate on House bill No. 189, beg leave to report as follows:

We recommend that the following Free

Conference Committee substitute bill  
pass in lieu of House bill No. 189.

McGEE,  
SAVAGE,  
TURNER,

On the part of the Senate.

GREER,  
HESLEP,  
EVANS,  
CALVIN,  
GARY,

On the part of the House

FREE CONFERENCE COMMITTEE  
SUBSTITUTE BILL NO. 189.

A BILL

TO BE ENTITLED

An Act to amend Article 4340, of Title XCII, of the Revised Civil Statutes of Texas, relating to declaring quarantine in counties and cities and maintaining and paying the expenses of same.

Be it enacted by the Legislature of the State of Texas:

That Article 4340, of Title XCII, of the Revised Civil Statutes, be amended so as to hereafter read as follows:

Section 1. Upon the petition of twenty reputable citizens of a county that they have reason to believe or do believe that they are threatened at any point or place within or without the county limits with the introduction or dissemination of a dangerous, contagious or infectious disease that can and should be guarded against by quarantine the county judge of such county shall immediately convene the commissioners court for the purpose of declaring a quarantine against any and all such diseases, and if in the judgment of the commissioners court it is necessary they shall direct the county physician to declare quarantine against any and all dangerous diseases, and to establish and maintain and supply stations and camps for those held in quarantine; to provide hospitals, tents or pest houses for those sick of contagious diseases; to furnish provisions, medicine and all other things absolutely essential for the comfort of the well and the convalescence of the sick; provided, that in case the county judge or commissioners court shall from any cause fail or refuse to act as herein required, or the commissioners court shall fail or refuse to declare a quarantine within two days from the receipt by the county judge of the petition herein provided for, such petitioner may appeal to the State Health Officer, whose duty it shall be to go at once or send an assistant to the place sought to be quarantined, and if he deems it necessary

declare and maintain a quarantine, but if he deems it unnecessary, shall refuse to declare a quarantine.

Sec. 2. Whenever a quarantine has been declared by the commissioners court of a county it shall be the duty of the county judge to immediately notify the State Health Officer that such quarantine has been declared, and it shall be the duty of the State Health Officer to go at once or send an assistant and take charge of such quarantine, and if he deems it necessary maintain the same, or if he deems the quarantine unnecessary then he shall have power to declare the same off. And in all cases the local quarantine officers shall be subject to the authority and under the control of the State Health Officer, except where a city, town or county is maintaining a quarantine at their own expense, which they shall have power to do in the event the State Health Officer refuses to declare a quarantine for them.

Sec. 3. Chartered cities and towns are included within the provisions of this article, and the mere fact of incorporation does not exclude them from the protection against epidemic diseases herein given to other parts of their respective counties, and the city council of all incorporated cities and towns shall have same power to declare and maintain a quarantine within the limits of their city or town as the commissioners court of a county, subject to the same conditions and limitations as provided in this act. And the mayor of a city or town shall have the same powers within the limits of his city or town as are herein given to the county judge, subject to the same conditions and limitations as herein provided.

Sec. 4. Medical officers of chartered cities and towns can perform the duties commanded or granted in their several charters, but must, if the county physician is not, the city physician also, be amenable to the rules prescribed by the State Health Officer.

The county physician shall keep an itemized account of all lawful expenses incurred by local quarantine, and shall make affidavit to the correctness thereof, and on the approval first of the county judge of the county in which such local quarantine is established and then by the Governor, after it has been audited by the State Health Officer, two-thirds of such expenses shall be paid by the State and one-third by the county.

In case of quarantine by city or town, the city physician shall keep an itemized account in like manner as required of the county physician of all expendi-



tures, and make affidavit to the correctness thereof, and upon the approval first of the mayor and then by the Governor, after it has been audited by the State Health Officer, two-thirds of such expenses shall be paid by the State and one-third by the city or town quarantined.

Sec. 5. The county physician and such assistants as he may appoint are empowered to arrest all persons suffering with any dangerous and infectious disease, or known to have been exposed to the same, and isolate them at their own place of residence, or at some hospital or camp for such period of time as may be prescribed by the State Health Officer as necessary to protect public health, and if any person so isolated shall leave such residence, hospital or camp before discharged by the physician in charge, shall, upon conviction thereof, be fined in any sum not exceeding two hundred dollars.

Sec. 6. Owing to the fact that at present infectious and contagious diseases are raging in many counties of this State, and that said counties are undergoing hardships from the maintenance of local quarantine, and many of them are bankrupt and unable to cope with the disease or maintain a quarantine, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

The foregoing report being read, the motion to adopt the same made by Senator McGee prevailed.

#### HOUSE BILL NO. 385—ON THIRD READING.

On motion of Senator Turner, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 385, A bill to be entitled "An Act to define public warehousemen and public warehouses, and to regulate the business of public warehousemen, public warehouses, and the issuance of public warehouse receipts, and to define and punish violations of this act."

The Chair laid the bill before the Senate, on its third reading.

Bill was read third, and passed.

Senator Turner moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### EXECUTIVE SESSION—TIME SET FOR.

On motion of Senator James, Monday, April 8, 10:30 o'clock a. m., was the hour set apart for the Senate to go into executive session for the purpose of acting upon the notary appointments sent to the Senate by His Excellency, the Governor, for confirmation.

#### HOUSE BILL NO. 269—ON SECOND READING.

On motion of Senator Neal, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 269, A bill to be entitled "An Act to amend Article 3698, of Chapter 6, Title LXXIX, and to fix the minimum salaries of under-officers and employes of the State penitentiaries of Texas."

The Chair laid the bill before the Senate on its second reading.

Bill was read second time, and passed to a third reading.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Grinnan.	Paulus.
Hanger.	Potter.
Harris of Bexar.	Savage.
Harris of Hunt.	Sebastian.
James.	Staples.
Lipscomb.	Swann.
Lloyd.	Turner.
McGee.	Wheeler.

Absent.

Davidson of	Stafford.
Galveston.	Turney.
Dibrell.	Wayland.
Johnson.	Wilson.
Patterson.	

Absent—Excused.

Goss.	Yett.
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Bill was read third time, and passed. Senator Neal moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 218—ON SECOND READING.

On motion of Senator Paulus, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 218, A bill to be entitled "An Act to amend Chapter 113, Section 1, Acts of the Twenty-fifth Legislature, Regular Session, by adding thereto a provision for the organization of independent school districts which may embrace in their territory portions of two or more counties."

The Chair laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

On motion of Senator Paulus, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Grinnan.	Paulus.
Hanger.	Potter.
Harris of Bexar.	Savage.
Harris of Hunt.	Sebastian.
James.	Staples.
Lipscomb.	Swann.
Lloyd.	Turner.
McGee.	Wheeler.

Absent.

Davidson of	Stafford.
Galveston.	Turney.
Dibrell.	Wayland.
Johnson.	Wilson.
Patterson.	

Absent—Excused.

Goss.	Yett.
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Bill was read third time, and passed.

Senator Paulus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 78—ON SECOND READING.

On motion of Senator Grinnan, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 78, A bill to be entitled "An Act to amend Chapter 69 of the Acts of the Twenty-sixth Legislature; to repeal all laws in conflict therewith, and to declare an emergency."

The Chair laid the bill before the Senate on its second reading.

Bill was read second time, and passed to a third reading.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Davidson of	Neal.
DeWitt.	Odell.
Grinnan.	Paulus.
Hanger.	Potter.
Harris of Bexar.	Savage.
Harris of Hunt.	Sebastian.
James.	Stafford.
Johnson.	Staples.
Lipscomb.	Swann.
Lloyd.	Turner.
McGee.	Wheeler.
Miller.	

Absent.

Beaty.	Patterson.
Davidson of	Turney.
Galveston.	Wayland.
Dibrell.	Wilson.

Absent—Excused.

Goss.	Yett.
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Bill was read third time, and passed.

Senator Grinnan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 105—FREE CONFERENCE COMMITTEE ASKED FOR.

Senator Potter called up his motion to reconsider the vote by which the Senate on yesterday concurred in the House amendments to

Senate bill No. 105, A bill to be entitled "An Act to amend Section 4, Chapter 7, of the Act passed by the Called Session of the Twenty-sixth Legislature, approved February 21, 1900, so as to provide that school trustees in independent school districts not in a city or town having an assessor and collector shall elect from the members of the board an assessor and collector of taxes; and to prescribe his powers and duties and the duties of the board with reference to the collection of taxes; also for the organization of the board and the election of officers."

The vote in concurring was reconsidered, and

On motion of Senator Potter, the Senate refused to concur in the House amendments, and

On further motion of Senator Potter, the House was requested for a Free Conference Committee.

#### SENATE BILL NO. 105—FREE CONFERENCE COMMITTEE NAMED.

The Chair appointed the following committee:

Senators Paulus, Lipscomb, Savage, Neal and Odell.

(Senator Sebastian in the chair.)

HOUSE BILL NO. 378—PENDING ON  
SECOND READING.

On motion of Senator Beaty, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 378, A bill to be entitled "An Act to create a more efficient road system for Nacogdoches county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for working of county convicts upon the public roads of said county, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict; and providing the amount of compensation to be allowed to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; providing for the working of delinquent poll tax payers residing in cities and towns as well as in the country on the said roads, and relieving them from the performance of said work by the payment of the sum of three dollars; providing for the ages of male persons liable to serve as overseers and to work on the public roads of the county; providing for a special road and bridge tax to be levied for Nacogdoches county; and providing further, making this law cumulative of the general laws, and in case of a conflict this act to govern as to Nacogdoches county, Texas, and to repeal special road law, Chapter 54, Acts 1891, Twenty-first Legislature, as to Nacogdoches county, and declaring an emergency."

The Chair (Senator Sebastian) laid the bill before the Senate, pending on its second reading.

Bill was passed to a third reading.

On motion of Senator Beaty, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Beaty.	McGee.
Davidson of	Miller.
DeWitt.	Neal.
Grinnan.	Odell.
Hanger.	Paulus.
Harris of Bexar.	Potter.
Harris of Hunt.	Savage.
Johnson.	Sebastian.
Lipscomb.	Stafford.
Lloyd.	Staples.

Swann.  
Turner.

Wheeler.

Absent.

Davidson of	Patterson.
Galveston.	Turney.
Dibrell.	Wayland.
James.	Wilson.

Absent—Excused.

Goss.

Yett.

Bill was read third time, and passed.

HOUSE BILL NO. 537—ON SECOND  
READING.

On motion of Senator Davidson of DeWitt, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 537, A bill to be entitled "An Act to create a more efficient road system for Karnes county."

The Chair (Senator Sebastian) laid the bill before the Senate, on its second reading.

Bill was read second time, and

Senator Davidson of DeWitt offered the following amendment:

"The near approach of the close of the present session, and the crowded condition of the calendar, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule which requires bills to be read on three several days, and said rule is hereby suspended."

Amendment was read, and adopted.

Bill was passed to a third reading.

On motion of Senator Davidson of DeWitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Grinnan.	Paulus.
Hanger.	Potter.
Harris of Bexar.	Savage.
Harris of Hunt.	Sebastian.
James.	Staples.
Johnson.	Swann.
Lipscomb.	Turner.
Lloyd.	Wheeler.
McGee.	

Absent.

Davidson of	Stafford.
Galveston.	Turney.
Dibrell.	Wayland.
Patterson.	Wilson.

Absent—Excused.

Goss.

Yett.

Bill was read third time, and passed.

Senator Davidson of DeWitt moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

SENATE CONCURRENT RESOLUTION NO. 12—HOUSE AMENDMENTS AMENDED AND CONCURRED IN.

Senator Dibrell called up from the table, where it lay with House amendments,

Senate Concurrent Resolution No. 12, Authorizing and instructing the Secretary of State, with the approval of the Governor, to exchange certain books, pamphlets, journals, reports, statutes and stereotype plates belonging to the State, in charge of the office of Secretary of State, for copies of the Session Acts, general and special of the State of Texas, and the laws of the republic, bound in law sheep, and by the said exchange to provide for the publishing of the Supreme Court Reporter, the reports of the Civil Court and the reports of the Criminal Court of Texas, free to the State and to the public for a price not to exceed \$2 a volume for a term of years.

The following House amendments were read:

"Amend by adding to Section 1 the following: 'And further provided that when additional courts are created by the Legislature that said contractors shall furnish free to the State for such courts copies of all reports published or sold by him.'"

"Amend by striking out in lines 21 and 22 of the report as printed in the Journal the words 'for by law,' and insert in lieu thereof the following, 'or as may be hereafter provided by law not to exceed three hundred sets.'"

"Amend Section 1 by adding thereto the following, 'A set of the session laws, general and special, shall be furnished by the State, to each of the organized counties in this State free, for the use of the several courts of said counties, the same to remain the property of the State of Texas.'"

Amend Senate Concurrent Resolution No. 12, by striking out all after caption, and insert the following:

"Be it resolved by the Legislature of the State of Texas:

"Section 1. That the printing board be and are hereby authorized to exchange the books, pamphlets, journals, reports, statutes, bound or unbound, the stereotype or electrotpe plates now stored away in the basement of the Capitol, and controlled by said Secretary of State, or so many of them as in their judgment is deemed for the best interest

of the State, for three hundred sets, containing three thousand volumns of the Sessions laws, general and special, of the State of Texas, and of the Republic of Texas, bound in law sheep, and for such exchange to provide for the printing, binding and publication of the Supreme Court reports, of the several courts of Civil Appeals, and of the Court of Criminal Appeals of Texas, to be furnished the State free of charge for the State's use and free distribution, as now provided for by law, and to provide for the sale of such reports to the public for a price not exceeding two dollars per volume for a term not to exceed twenty years, and to further provide for the issuance of at least two thousand copies of such reports.

"Sec. 2. Any and all contracts under this resolution shall be made with the residents of the State of Texas, and the work shall be done in Texas.

"Sec. 3. The stereotype or electrotpe plates, after the expiration of the contract as contemplated by Section 1 of this act, shall be returned to the State in good condition, reasonable wear in usage excepted, and the State shall not part with any copyright to the several reports mentioned in said Section 1, or to the State's ownership in and to the stereotype or electrotpe plates therein mentioned.

"Sec. 4. The printing board shall require a good and sufficient bond, in the sum of not less than \$10,000, conditioned upon the faithful performance of this contract, said bond to be renewed as often as the printing board shall deem necessary. If any contractor shall fail or refuse to give a new bond when required to do so by the printing board, then his contract shall be terminated without further notice.

"Sec. 5. Provided, however, that said contract shall be subject to the approval and ratification of the Governor."

Senator Dibrell offered the following amendment to the House amendments:

"Amend the House amendments by adding thereto the following additional amendment:

"'Amend the caption of the resolution by striking out the words "Secretary of State" and inserting in lieu thereof "the Printing Board."'"

Amendment to the House amendments was read and adopted, and

The House amendments, as amended, were then concurred in.

SUBSTITUTE HOUSE BILL NO. 261—  
ON SECOND READING.

On motion of Senator Lloyd, the pending order of business (Senate bill No.

169) was suspended and the Senate took up, out of its order,

Substitute House bill No. 261, A bill to be entitled "An Act to provide for the extension and enlargement of the iron pipe manufactory in the State penitentiary at Rusk, Texas; authorizing and directing the Penitentiary Board to purchase timber or timbered lands, and iron ore, or lands containing deposits of iron ore sufficient to supply the charcoal and iron ore necessary to run and operate the iron smelting furnace and pipe works, situated in said penitentiary, to their full capacity, as herein provided, and on full time for not less than five years from the date of this act; providing for conducting experiments and tests at the State iron smelting furnace in said penitentiary, in the use of lignite and brown coal as fuel in the smelting of iron; prescribing by whom said tests shall be made, and if such tests prove successful, directing the Penitentiary Board to contract for and provide such quantity of lignite for the use of such smelting furnace and iron manufactories as may be necessary for their use and consumption thereafter; providing for the appointment of a general manager of the iron industry of the Texas penitentiary, and prescribing his qualifications, powers, duties and compensation; and prescribing certain duties of the superintendent of penitentiaries in relation to said iron industry and its general manager; and making an appropriation therefor."

The Chair (Senator Sebastian) laid the bill before the Senate on second reading.

The bill was read second time with the following committee amendments:

"Amend the caption by striking out the words, 'and on full time.'

"Amend the caption by striking out all after the words 'consumption thereafter' down to and including the words 'general manager' where they last occur.

"Amend by striking out all after the enacting clause and inserting the following:

"Section 1. That the penitentiary board are hereby authorized and directed to have enlarged and extended the capacity of the iron pipe manufactory in the State penitentiary at Rusk, Texas, so that the same shall consume the product of the furnace. The said extension and enlargement of said iron pipe manufactory shall be made and conducted by and under the supervision of the said penitentiary board and superintendent of penitentiaries and his assistant superintendent at Rusk."

"Sec. 2. The penitentiary board are

hereby authorized to purchase, with the consent of the Governor, timber, or timbered lands, and iron ore, or lands containing deposits of iron ore, sufficient to supply the charcoal and iron ore necessary to run and operate the iron smelting furnace and pipe works situated in the State penitentiary at Rusk, Texas, to their full capacity, as herein provided, for a period of not less than five years from the date of this act; provided, said lands and timber can be purchased at a reasonable price.'

"Sec. 3. The penitentiary board, the superintendent of the penitentiaries, and his assistant at Rusk are authorized and hereby instructed to have conducted at the State iron smelting furnace of said penitentiary at Rusk, experiments and tests in the use of lignite or brown coal as a fuel, in whole or in combination with charcoal or coke, in the smelting of iron in said furnace, said experiments and tests to be made by and under the supervision of the Penitentiary Board, the superintendent of the penitentiaries and his assistant at Rusk, and by an expert selected and employed by said penitentiary board, and said board shall, as soon as possible thereafter, report the result of said experiments and tests to the Governor; and if said experiments shall prove successful, and it shall appear therefrom to the satisfaction of the Governor and the penitentiary management that lignite can be profitably used as a fuel, alone or in combination with charcoal, in the smelting or other manufacturing processes of iron, in said penitentiary, it shall be the duty of the penitentiary board and the superintendent and financial agent of penitentiaries immediately thereupon to contract for and furnish such quantity and supply of lignite as is determined to be best adapted for the smelting of iron ore.'

"Sec. 4. That to carry out the provisions of this act, there be, and is hereby appropriated out of any moneys in the State treasury belonging to the general revenue, not otherwise appropriated, the sum of ten thousand dollars; and it is further enacted that the said sum of ten thousand dollars thus appropriated shall be returned to the State treasurer as soon as the same can be done without detriment to the penitentiary system.'

"Sec. 5. The fact that it is to the material interest of Texas to develop her iron resources, and at the same time give useful employment to her convicts within the walls of the penitentiary; therefore an emergency and an imperative public necessity exists, which renders it necessary that the constitutional rule requiring bills to be read on three several days be suspended, and that this act

take effect and be in force from and after its passage, and it is so enacted.'"

Senator Lloyd offered the following amendment to the committee amendments:

"Amend Senate amendment, Section 3, line 7, page 8, of committee amendment, after the word authorize, by striking out the words 'and hereby instructed.'"

Amendment to the committee amendments was read, and adopted.

Senator Lloyd offered the following amendment to the committee amendments:

"Amend Section 3, line 18, page 8, of committee amendment, after the word 'penitentiary,' by inserting the words 'board and.'"

Amendment to the committee amendments was read, and adopted.

Senator Lloyd offered the following amendment to the committee amendments:

"Amend Section 4, page 8, of committee amendments, by adding at the end of Section 4 the following: 'Provided, that not exceeding the amount herein appropriated, to wit: ten thousand dollars, shall be expended in the improvement and enlargement of machinery, in the purchase of lands, ore and timber, and in testing the value and suitability of lignite as hereinbefore provided for, except by the authority of the penitentiary board with the consent of the Governor, to be entered on the minutes of the penitentiary board.'"

Amendment to the committee amendment was read, and adopted.

Senator Neal offered the following amendment:

"Amend the committee amendments, Section 1, page 7, in lines 23 and 24, by striking out the words 'and directed.'"

(Lieutenant-Governor Browning in the chair.)

#### ABSENT SENATORS TELEGRAPHED FOR.

Senator Turner moved that the Sergeant-at-Arms be instructed to telegraph all absent unexcused Senators to appear before the bar instantler.

The motion prevailed.

#### EXCUSED.

On motion of Senator Hanger, Senator Davidson of DeWitt was excused from further attendance upon the Senate on account of important business.

#### RECESS.

On motion of Senator James, the Senate recessed until 3 o'clock p. m., with Senator Turner in possession of the floor, speaking to the pending amendment by

Senator Neal to Substitute House bill No. 261.

#### AFTER RECESS.

Action recurred on the amendment by Senator Neal to Substitute House bill No. 261, pending business (see caption above), Senator Turner being given possession of the floor.

The amendment by Senator Neal was read, and lost.

The committee amendments, as amended, were read and adopted, and

The bill was passed to a third reading.

On motion of Senator Lloyd, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Neal.
Davidson of	Odell.
Galveston.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
Hanger.	Sebastian.
James.	Staples.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wilson.

Absent.

Harris of Bexar.	Stafford.
Harris of Hunt.	Swann.
McGee.	Wheeler.
Patterson.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Bill was read third time, and passed.

Senator Lloyd moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 522—ON SECOND READING.

On motion of Senator Miller, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 522, A bill to be entitled "An act to create a more efficient road system for Brazoria county, Texas; and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners and providing for the working of county convicts upon the public roads of said county, and providing for a penalty for the escape of coun-

ty convicts; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams and road work, and providing for the condemnation of land for public road purposes; and providing for the working of delinquent poll tax payers on the public roads, and relieving road hands from the performance of road work by the payment of the sum of three dollars; and providing for election for issuance of bonds for bridge purposes; and providing for the making of this law cumulative of the General Laws, and in case of a conflict this act to govern as to Brazoria county, Texas, and creating an emergency."

The Chair laid the bill before the Senate on its second reading.

Bill was read second time, and passed to a third reading.

#### SUBSTITUTE HOUSE BILL NO. 97— ON SECOND READING.

On motion of Senator Savage, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

Substitute House bill No. 97, A bill to be entitled "An Act to amend Articles 3982 and 3983, Chapter 13, Title LXXXVI, Revised Civil Statutes of Texas, regulating the transfer of children of the scholastic age from one district or independent district to another, and to repeal all laws and parts of laws in conflict herewith."

The Chair laid the bill before the Senate on its second reading.

Bill was read second time, and

Senator Lloyd offered the following amendment:

"Amend by adding on fourth line from bottom of the first page the following: 'Provided, that when the school to which the child desires to be transferred is nearest its residence, transfer shall be made without consent of trustees.'"

Amendment was read, and adopted.

Senator Miller offered the following amendment:

"Amend by striking out the enacting clause."

Amendment was read, and lost.

Senator Wheeler offered the following amendment:

"Amend by striking out the word 'August' wherever it occurs in the bill and insert in lieu thereof the word 'September.'"

Amendment was read, and lost.

Senator Johnson offered the following amendment:

"Amend Section 1 by striking out all after the word 'child,' in line 29, down to and including the word 'made,' in line 30, page 1."

Amendment was read, and adopted by the following vote:

Yeas—12.

Beaty.	Miller.
Dibrell.	Odell.
Hanger.	Sebastian.
James.	Staples.
Johnson.	Turner.
Lipscomb.	Turney.

Nays—8.

Davidson of	Potter.
Galveston.	Savage.
Grinnan.	Wheeler.
Lloyd.	Wilson.
Paulus.	

Present—Not voting.

Neal.

Absent.

Harris of Bexar.	Stafford.
Harris of Hunt.	Swann.
McGee.	Wayland.
Patterson.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Senator Hanger offered the following amendment:

"Amend the bill by adding at the end of Article 3982 the following: 'Provided, that if the county judge or county superintendent shall refuse to permit the transfers herein provided for, an appeal shall lie to the State Superintendent, and should the county judge or county superintendent refuse to be bound by any ruling of the State Superintendent, such refusal shall constitute and be a sufficient cause for the removal of such county judge or county superintendent from office.'"

Amendment was read, and adopted.

The bill was passed to a third reading.

On motion of Senator Savage, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—20.

Beaty.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Grinnan.	Staples.
Hanger.	Turner.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.
Odell.	

Nays—1.

Johnson.

Absent.

Harris of Bexar.	Harris of Hunt.
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McGee.                      Stafford.  
Neal.                        Swann.  
Patterson.

Absent—Excused.

Davidson of                Goss.  
DeWitt.                Yett.

Bill was read third time, and passed.  
Senator Savage moved to reconsider  
the vote by which the bill was passed,  
and lay that motion on the table.  
Motion to table prevailed.

#### COMMITTEE REPORT.

(By unanimous consent.)

Committee Room,  
Austin, Texas, April 6, 1901.

*Hon. J. N. Browning, President of the  
Senate.*

SIR: Your Committee on Internal  
Improvements, to whom was referred  
House bill No. 379, A bill to be entitled  
"An Act to amend Article 4365, of the  
Revised Civil Statutes of the State of  
Texas, and to validate all charter amend-  
ments in accordance with this article as  
amended,"

Have had the same under considera-  
tion, and I am instructed to report the  
same back to the Senate with the recom-  
mendation that it *do pass*.

GRINNAN, Acting Chairman.

#### THIRD HOUSE MESSAGE.

The following third House message  
was here delivered to the Senate:

(Senator Potter in the chair.)

Hall of the House of Representatives.  
Austin, Texas, April 6, 1901.

*Hon. J. N. Browning, President of the  
Senate.*

SIR: I am directed by the House to  
inform the Senate that the House has  
granted the request of the Senate for a  
Free Conference Committee on Senate  
bill No. 53, and appoints Messrs. Mul-  
key, Lane, Napier, Satterwhite and  
Shannon on the part of the House.

Also the House has granted the re-  
quest of the Senate for a Free Confer-  
ence Committee on Substitute Senate  
bill No. 152, and appoints Messrs. Nolan,  
Grisham, Pierson, Connally and Hen-  
drick on the part of the House.

Also that the House refuses to concur  
in Senate amendments to Substitute  
House bill No. 71, and asks the appoint-  
ment of a Free Conference Committee,  
and appoints Messrs. Henderson of La-  
mar, Hawkins, Bryan, Talbot and Bul-  
lock on the part of the House.

Respectfully,

LEE J. ROUNTREE,  
Chief Clerk House of Representatives.

#### HOUSE BILL NO. 69—ON SECOND READING.

On motion of Senator James, the pend-  
ing order of business (Senate bill No.  
169) was suspended and the Senate took  
up, out of its order,

House bill No. 69, A bill to be entitled  
"An Act to amend Article 4998, Title  
CII, Chapter 5, of the Revised Civil  
Statutes of the State of Texas."

The Chair (Senator Potter) laid the  
bill before the Senate on its second read-  
ing.

The bill was read second time, and  
Senator Miller offered the following  
amendment:

"Amend by adding Section 2, as fol-  
lows:

"Section 2. The near approach of  
the close of the present session and the  
necessity for the passage of the bill cre-  
ates an emergency and an imperative  
public necessity authorizing the suspen-  
sion of the rule requiring bills to be read  
on three several days, and that this act  
take effect from and after its passage,  
and said rule is hereby suspended, and it  
is enacted that this bill take effect from  
and after its passage."

Amendment was read, and adopted.

Senator Turner offered the following  
amendment:

"Amend the printed bill by adding  
after the word 'high,' in line 5, page 2,  
the following: 'Provided further, that  
stock escaping from an inclosure fenced  
as herein provided shall not be consid-  
ered as running at large.'"

Amendment was read, and lost by the  
following vote:

Yeas—6.

Beaty.	Turner.
Dibrell.	Turney.
Staples.	Wayland.

Nays—13.

Davidson of	Neal.
Galveston.	Potter.
Grinnan.	Savage.
Hanger.	Sebastian.
James.	Swann.
Lloyd.	Wheeler.
Miller.	Wilson.

Present—Not voting.

Johnson.	Odell.
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Absent.

Harris of Bexar.	Patterson.
Harris of Hunt.	Paulus.
Lipscomb.	Stafford.
McGee.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

(Lieutenant-Governor Browning in the  
chair.)



Bill was then passed to a third reading.

On motion of Senator James, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Odell.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Staples.
James.	Swann.
Johnson.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
Miller.	Wilson.

Nays—1.

Turner.

Absent.

Harris of Bexar.	Neal.
Harris of Hunt.	Patterson.
McGee.	Stafford.

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Bill was read third time, and

Senator Wheeler offered the following amendment:

"Amend by striking out the House amendment which strikes out the words 'and one-half.'"

Amendment was read, and lost.

The bill was then passed.

Senator Miller moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### FOURTH HOUSE MESSAGE.

The following fourth House message was here delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, April 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 298, A bill to be entitled "An Act further regulating the amendment of charters of corporations incorporated for the purpose of constructing, owning, maintaining and operating railroads, and providing for the making of extensions thereof, and branch lines thereof, under and by virtue of such amendments, and regulating the issuance of stocks and bonds to pay for the construction of such extensions and branch lines and terminal facilities; and to pro-

hibit the attachment of liens theretofore existing upon the property of such extensions and branch lines and terminal properties, and to provide the manner and means of accomplishing such purposes."

Also the House grants the request of the Senate and appoints the following Free Conference Committee on Senate bill No. 105: Messrs. Glenn, Henderson of Lamar, Hemphill, Murray and Wells of Grayson on the part of the House.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### HOUSE BILL NO. 89—ON SECOND READING.

On motion of Senator Dibrell, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 89, A bill to be entitled "An Act to create, establish and maintain a branch asylum or home for the care, treatment and support of idiots and imbeciles of this State, and to make an appropriation therefor."

The Chair laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

On motion of Senator Dibrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Odell.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Swann.
James.	Turner.
Johnson.	Turney.
Lloyd.	Wayland.
Miller.	Wheeler.
Neal.	Wilson.

Absent.

Harris of Bexar.	Patterson.
Harris of Hunt.	Stafford.
Lipscomb.	Staples.
McGee.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Bill was read third time, and passed.

Senator Dibrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

HOUSE BILL NO. 325—ON SECOND  
READING.

Senator Beaty moved that the pending order of business (Senate bill No. 169) be suspended and the Senate take up, out of its order,

House bill No. 325, A bill to be entitled "An Act to amend Chapter 168 of the General Laws of the State of Texas, passed by the Regular Session of the Twenty-sixth Legislature, and approved June 15, 1899, entitled a bill to be entitled 'An Act to render more effective and efficient the present road law of the State of Texas, in its application and operation in the counties of Calhoun and Victoria, and to authorize and empower said counties to issue bonds for the construction and maintenance of public roads and highways within said counties,' by adding the counties of Jefferson and Bee thereto."

CALL OF THE SENATE—TO MAIN-  
TAIN A QUORUM.

Senator Turner moved a call of the Senate for the purpose of securing and maintaining a quorum, which call being duly seconded, the roll was called, the following Senators answering to their names:

## Present—21.

Beaty.	Odell.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wheeler.
Neal.	Wilson.

## Absent—7.

Harris of Bexar.	Patterson.
Harris of Hunt.	Stafford.
James.	Staples.
McGee.	

## Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

A quorum was announced present.

SUBSTITUTE HOUSE BILL NO. 71—  
FREE CONFERENCE COMMIT-  
TEE GRANTED.

Senator Sebastian called up the House message announcing the refusal of the House to concur in Senate amendments to

Substitute House bill No. 71, A bill to be entitled "An Act to amend Article 4218g, Chapter 12a, Title LXXXVII, of the Revised Statutes of Texas, and to amend Articles 4218f and 4218s, of the

same chapter and title, as amended by the act of the Twenty-fifth Legislature of Texas, Chapter 139, General Laws of 1897, page 184, relating to the sale and lease of public free school, asylum and public lands,"

And moved that the Senate grant the request of the House for a Free Conference Committee.

The motion prevailed, and

SUBSTITUTE HOUSE BILL NO. 71—  
FREE CONFERENCE COMMIT-  
TEE ANNOUNCED.

The Chair announced the following committee:

Senators Sebastian, Beaty, Wilson, Harris of Bexar and Turney.

HOUSE BILL NO. 325—ON SECOND  
READING.

The motion of Senator Beaty that the pending order of business (Senate bill No. 169) be suspended and the Senate take up, out of its order, House bill No. 325 prevailed, and

The Chair laid the bill before the Senate, on its second reading.

Bill was read second time, and

Senator Beaty offered the following amendment:

"Amend the caption by adding after the word 'Victoria,' in line 10, page 1, the following: 'Jefferson and Bee.'"

Amendment was read, and adopted.

The bill was passed to a third reading.

On motion of Senator Beaty, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—23.

Beaty.	Odell.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wheeler.
Neal.	Wilson.

## Absent.

Harris of Bexar.	Patterson.
Harris of Hunt.	Stafford.
McGee.	

## Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

(Senator Turney in the chair.)

Bill was read third time, and passed.

## HOUSE BILL NO. 522—PENDING ON SECOND READING.

On motion of Senator Miller, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 522 (see caption under heading above).

The Chair (Senator Turney) laid the bill before the Senate, pending on second reading.

The bill was passed to a third reading.

On motion of Senator Miller, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Beaty.	Odell.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wheeler.
Neal.	Wilson.

Absent.

Harris of Bexar.	Patterson.
Harris of Hunt.	Stafford.
McGee.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Bill was read third time, and passed.

Senator Miller moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

## HOUSE CONCURRENT RESOLUTION NO. 21—CALLED UP AND REFERRED TO COMMITTEE.

On motion of Senator Lipscomb, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House Concurrent Resolution No. 21, Authorizing the Superintendent of Public Buildings and Grounds to lease certain lots in the city of Austin.

The Chair (Senator Turney) laid the resolution before the Senate on its adoption.

Resolution was read second time, and, on motion of Senator Hanger, was referred to the Committee on Public Buildings and Grounds.

## FIFTH HOUSE MESSAGE.

The following fifth House message was here delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, April 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has concurred in Senate amendment to Senate Concurrent Resolution No. 12.

Also that the House concurs in Senate amendments to Substitute House bill No. 261.

Also House concurs in Senate amendments to House bill No. 537.

Also the House has passed

Senate bill No. 304, A bill to be entitled "An Act to amend Title XVIII, Chapter 3, Article 407, so as to provide for the manner of appointing deputy marshals in cities and towns, and declaring an emergency."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

## TYPEWRITING MACHINE RENT—RESOLUTION AUTHORIZING PAYMENT.

Senator Dibrell offered the following resolution:

Resolved, That the Committee on Contingent Expenses be and is hereby directed to audit and pay the claims for the use of seven typewriting machines rented by the Sergeant-at-Arms for the use of the Senate.

Resolution was read, and

Senator Savage offered the following amendment:

"Provided, that this shall not apply to any except regular committee clerks."

Amendment to the resolution was read, and adopted.

Resolution as amended was read second time, and adopted.

## HOUSE BILL NO. 484—ON SECOND READING.

On motion of Senator Wayland, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 484, A bill to be entitled "An Act to authorize the city of Bryan to dispose of certain public grounds within said city."

The Chair (Senator Turney) laid the bill before the Senate, on its second reading.

Bill was read second time, and

Senator Wayland offered the following amendment:

"Section 2. The crowded condition of

the calendar and the fact that this bill will allow the city of Bryan to sell certain property belonging to said city creates an emergency and imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is so suspended, and this act shall take effect from and after its passage, and it is so enacted."

Amendment was read, and adopted.

Bill was then passed to a third reading.

On motion of Senator Wayland, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Grinnan.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wheeler.
Neal.	Wilson.

Absent.

Hanger.	Odell.
Harris of Bexar.	Patterson.
Harris of Hunt.	Stafford.
McGee.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Bill was read third time, and passed.

#### HOUSE BILL NO. 325—FINAL PASSAGE VOTE RECONSIDERED AND TABLED.

Senator Beaty moved to reconsider the vote by which House bill No. 325 was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 526—ON SECOND READING.

On motion of Senator Neal, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 526, A bill to be entitled "An Act to create a more efficient road law for Madison county, Texas."

The Chair (Senator Turney) laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

53—Senate.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Hanger.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wheeler.
Neal.	Wilson.

Absent.

Grinnan.	Odell.
Harris of Bexar.	Patterson.
Harris of Hunt.	Stafford.
McGee.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Bill was read third time, and passed.

#### HOUSE BILL NO. 181—ON SECOND READING.

On motion of Senator Wilson, the pending order of business (Senate bill No. 169) was suspended, and the Senate took up, out of its order,

House bill No. 181, A bill to be entitled "An Act to amend Article 787, Chapter 3, Title XVII, of the Penal Code of the State of Texas."

The Chair (Senator Turney) laid the bill before the Senate on its second reading.

Bill was read second time, and

Senator Wilson offered the following amendment:

"Section 2. The near approach of the adjournment of the Legislature and the fact that the passage of this bill is thus imperilled creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted."

Amendment was read, and adopted.

The bill was then passed to a third reading.

On motion of Senator Wilson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Davidson of
	Galveston.

Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Staples.
James.	Swann.
Lipscomb.	Turner.
Lloyd.	Turney.
Miller.	Wayland.
Neal.	Wheeler.
Paulus.	Wilson.
Potter.	

Absent.

Harris of Bexar.	Odell.
Harris of Hunt.	Patterson.
Johnson.	Stafford.
McGee.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Bill was read third time, and passed.

#### HOUSE BILL NO. 328—ON SECOND READING.

On motion of Senator Lipscomb, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 328, A bill to be entitled "An Act to amend Chapter 5, of the Criminal Code of the State of Texas, by adding thereto Article 430b, prohibiting the shooting, hunting or killing of wild ducks, wild geese or other wild aquatic fowls at night."

On motion of Senator Lipscomb, the Senate rule requiring committee reports to lay over for one day was suspended for the purpose of considering the bill on its second reading.

(Reported this day from committee.)

The Chair (Senator Turney) laid the bill before the Senate on its second reading.

The bill was read second time, and

Senator Turner offered the following amendment:

"Amend the bill by adding after the word 'Galveston,' in line 3, of the engrossed bill, the words, 'Brazoria, Matagorda, Nueces, Aransas, Refugio, Lavaca, San Patricio, Cameron, Hidalgo and Calhoun.'"

Amendment was read, and adopted.

Senator Turner offered the following amendment:

"Amend the caption by adding after 'Galveston' the following, 'Brazoria, Matagorda, Nueces, Aransas, Refugio, Lavaca, San Patricio, Cameron, Hidalgo and Calhoun.'"

Amendment was read, and adopted.

The bill was then passed to a third reading.

On motion of Senator Lipscomb, the constitutional rule requiring bills to be read on three several days was suspended,

ed, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Davidson of	Odell.
Galveston.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
Hanger.	Sebastian.
James.	Staples.
Johnson.	Swann.
Lipscomb.	Turner.
Lloyd.	Turney.
Miller.	Wheeler.
Neal.	Wilson.

Absent.

Beaty.	Patterson.
Harris of Bexar.	Stafford.
Harris of Hunt.	Wayland.
McGee.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Bill was read third time, and passed.

#### HOUSE BILL NO. 303—ON SECOND READING.

On motion of Senator Swann, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 303, A bill to be entitled "An Act to amend Article 918a, Chapter 14a, Title XVII, of the Penal Code of the State of Texas, regulating the filling of bottles with compaunds or defacing in any way the mark or device on bottles, syphons or other containers."

The Chair (Senator Turney) laid the bill before the Senate on its second reading.

Bill was read second time, and passed to a third reading.

On motion of Senator Swann, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Davidson of	Odell.
Galveston.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
Hanger.	Sebastian.
James.	Staples.
Johnson.	Swann.
Lipscomb.	Turner.
Lloyd.	Turney.
Miller.	Wheeler.
Neal.	Wilson.

Absent.

Beaty.	Harris of Hunt.
Harris of Bexar.	McGee.

Patterson. Wayland.  
Stafford.

Absent—Excused.

Davidson of Goss.  
DeWitt. Yett.

Bill was read third time, and passed.

#### HOUSE BILL NO. 245—ON SECOND READING.

On motion of Senator Turner, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 245, A bill to be entitled "An Act to amend Article 1534 of the Revised Civil Statutes of 1895, and to define a quorum of the commissioners court."

The Chair (Senator Turney) laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

(Lieutenant-Governor Browning in the chair.)

#### HOUSE BILLS NOS. 421, 78 AND 269—SIGNED.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House bill No. 421, "An Act to restore and confer upon the county court of Titus county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State of Texas; to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with this act, and declaring an emergency."

House bill No. 78, "An Act to amend Chapter 69 of the Acts of the Twenty-sixth Legislature; to repeal all laws in conflict herewith, and to declare an emergency."

House bill No. 269, "An Act to amend Article 3698, of Chapter 6, of Title LXXIX, and to fix the minimum salaries of under-officers and employes of the State penitentiaries of Texas."

#### SENATE BILL NO. 179—ON SECOND READING.

(Senator Turney in the chair.)

On motion of Senator Staples, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

Senate bill No. 179, A bill to be entitled "An Act to make theft of cotton of the value of twenty dollars (\$20) or over a felony."

The Chair (Senator Turney) laid the bill before the Senate, on its second reading.

The bill was read second time, and Senator Dibrell offered the following amendment:

"Amend Section 1 of Senate bill No. 179 by substituting in lieu thereof the following: 'Theft of cotton of the value of twenty dollars and over shall be punished by confinement in the penitentiary for a term of not less than two years and not more than four years.'"

Amendment was read, and adopted.

Senator Dibrell offered the following amendment:

"Amend the bill by adding thereto Section 2, as follows:

"Section 2. The fact that there is now no adequate law protecting the interests of the cotton growers of this State, and the crowded condition of the calendar, creates an emergency and an imperative public necessity for suspending the constitutional rule requiring bills to be read on three several days, and the same is so suspended.'"

Amendment was read, and adopted.

The bill was then ordered engrossed.

On motion of Senator Staples, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Beaty.	Odell.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wheeler.
Neal.	Wilson.

Absent.

Harris of Bexar.	Patterson.
Harris of Hunt.	Stafford.
McGee.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Bill was read third time, and passed. Senator Staples moved to reconsider the vote by which the bill was passed, and lay that motion on the table. Motion to table prevailed.

#### SENATE BILL NO. 216—ON THIRD READING.

On motion of Senator Savage, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

Senate bill No. 216, A bill to be entitled

"An Act to amend Articles 3099, 3103, 3104, 3105, of Title LIX, of the Revised Civil Statutes of Texas, adopted in 1895, reducing the conventional rate of interest from ten to eight per cent. per annum."

The Chair (Senator Turney) laid the bill before the Senate, on its third reading.

Bill was read third time, and passed.

Senator Savage moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 328—FINAL PASSAGE VOTE RECONSIDERED AND TABLED.

Senator Lipscomb moved to reconsider the vote by which House bill No. 328 was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 181—FINAL PASSAGE VOTE RECONSIDERED AND TABLED.

Senator Wilson moved to reconsider the vote by which House bill No. 181 was passed, and lay that motion on the table.

Motion to table prevailed.

#### RECESS.

On motion of Senator Miller, the Senate recessed until 8:30 o'clock p. m.

#### AFTER RECESS.

(President Pro Tem. Miller in the chair.)

#### HOUSE CONCURRENT RESOLUTION NO. 29—ADOPTED.

The Chair (President Pro Tem. Miller) laid before the Senate

House Concurrent Resolution No. 29, Authorizing the State Treasurer to send to the United States government authorities \$1774 in counterfeit money now in the possession of the State Treasurer.

The resolution was read second time, and adopted.

#### SENATE JOURNALS IN LAW SHEEP—RESOLUTION AUTHORIZING.

Senator Savage offered the following resolution:

Resolved, 1. That 250 volumes of the Senate Journal of the Twenty-seventh Legislature, when completed and printed, be bound in full law sheep, and that one volume thus bound be transmitted by the Secretary of State to each member of the House of Representatives and each Senator and officer of the Senate.

2. That the Secretary of the Senate be authorized to contract for the binding

of the Journals as herein provided for, at a cost not to exceed \$1.00 per volume.

Resolution was read second time, and adopted.

#### COMMITTEE REPORTS.

(By unanimous consent.)

Committee Room,  
Austin, Texas, April 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Agricultural Affairs, to whom was referred

House bill No. 180, being a bill to be entitled "An Act to require owners, lessees and operators of gins to keep a record of seed cotton purchased by them, and to provide a penalty for the violation thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and that it be not printed.

SWANN, Chairman.

Committee Room,  
Austin, Texas, April 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

House bill No. 428, being a bill to be entitled "An Act to restore and confer upon the county court of King county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court, and to repeal all laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and that same be not printed.

Floor report.

HANGER, Chairman.

#### SENATE BILL NO. 22—FREE CONFERENCE COMMITTEE REPORT ADOPTED.

Austin, Texas, April 6, 1901.

*Hon. J. N. Browning, President of the Senate, and Hon. R. E. Prince, Speaker of the House of Representatives.*

SIRS: We, your Free Conference Committee appointed to adjust the differences between the House and Senate on Senate bill No. 22, beg leave to report as follows:

We recommend that the following

Free Conference Committee substitute bill pass in lieu of Senate bill No. 22.

PAULUS,  
MILLER,  
McGEE,  
HANGER,  
STAPLES,

On part of the Senate.

CALVIN,  
McFALL,  
TERRELL of McLennan,  
WILLACY,  
PHILLIPS,

On part of the House.

### A BILL

#### TO BE ENTITLED

An Act to provide for the incorporation of mutual fire insurance companies and defining their powers and duties.

Be it enacted by the Legislature of the State of Texas:

Section 1. That any number of persons, not less than three nor more than thirteen, who are resident citizens of this State, may form and incorporate a company for the purpose of mutual insurance against loss or damage by fire, lightning, winds, storms and cyclones, or explosions of any kind; and the directors of such mutual companies shall have the power and it shall be their duty to immediately after the organization of such companies, to make the necessary by-laws for the government of the business of such companies, and the same shall be valid and binding; provided, they do not conflict with the provisions of this law.

Sec. 2. No company formed under this act for the purpose of doing a fire insurance business on the plan of mutual insurance shall commence business until not less than one hundred and twenty-five thousand (125,000) dollars of insurance, in not less than one hundred (100) separate risks, no one of which, for the purpose of organization, shall exceed five thousand (5000) dollars, shall have been subscribed and the premium thereon paid in cash, such premium aggregating not less than two thousand (2000) dollars.

Sec. 3. All mutual fire insurance companies heretofore incorporated under the laws of this State, and those hereafter incorporated under this act, shall set aside sixty per cent. of all gross premiums and assessments received as a fund for the adjustment and payment of losses, which fund shall be kept separate from all other funds of said company, and it shall be unlawful for such company or companies, its officer or officers, manager or managers, agent or agents, or either or all of them, to apply such fund or any part of such fund to any

other purpose whatever than the adjustment and payment of losses; but any accumulation of such fund in excess of the amount necessary to pay losses may be invested in interest bearing bonds of the United States or of this State, or any county, city or town of this State, when same have been approved by the Attorney General, or first mortgage on improved real estate when same is reasonably worth double the amount of such mortgage.

Sec. 4. Mutual fire insurance companies heretofore, or that may hereafter be, organized under this act shall charge and collect in advance upon their policies a full annual premium on all policies written for one year and a pro rata of an annual premium upon all policies for a longer or shorter period. Any such company must, in its by-laws and its policies, fix, by uniform rule, the contingent liability, if any, of its members for the payment of losses and expenses, and such contingent liabilities shall not be made more than one additional premium, as written in the policy; such liability shall cease with the expiration of the time for which the premium has been paid. Should any such company take or accept a note or notes for any part of the premium, such note or notes shall not be taken for a longer period than ninety days; and should the member or policy-holder fail to pay such note or notes at their maturity, the policy on which said note or notes was given shall become and be void from and after the date of the maturity of the unpaid premium, note or notes.

Sec. 5. Any mutual fire insurance company now existing, or which may hereafter be organized, shall, in addition to complying with Sections 1 and 2 of this act, establish a guaranty reserve fund of not less than fifty thousand (50,000) dollars, divided in certificates of fifty (50) dollars each, not less than ten per cent. of which shall be paid in cash. This fund shall be held as reinsuring reserve, and to pay losses when all other available funds are exhausted, and the unpaid portion of such certificates shall be subject to such assessment as may be necessary in order to reinsure the risks in force at any time such action shall be required, or to pay losses when all other funds are exhausted.

Sec. 6. The holders of the guaranty reinsuring fund certificates of a company shall be entitled to a semi-annual dividend of not more than three per centum on their respective certificates, such dividend to be paid only out of the net profits remaining after the payment of all losses, expenses and other liabil-



ities incurred up to the date of such dividend. Holders of such certificates shall be considered members, and shall be entitled to one vote for each certificate of the par value of fifty (50) dollars held. But no company with a guaranty reserve fund, which has ceased to do new business, shall divide to its holders of guaranty certificates any part of its assets or guaranty reinsuring fund until it shall have performed or canceled its policy obligations.

Sec. 7. Whenever a mutual fire insurance company is not possessed of cash funds sufficient for the payment of all losses and expenses due and unpaid, it shall make an assessment for the amount needed to pay such losses and expenses upon its members or policyholders liable to assessment therefor in proportion to their several liability; but no assessment at any one time shall be greater than fifty per cent. of the first premium charged and collected, and no further assessment for any purpose can be made until after six months time has elapsed from the date of such assessment.

Sec. 8. The directors of any mutual fire insurance company may, from time to time, by vote, fix and determine the amount to be paid as a dividend upon policies expiring during each year, but no dividend shall be declared or paid, except from actual profits.

Sec. 9. If any person shall neglect or refuse to pay the sum assessed against him for thirty days after the publication and mailing or delivery of notice of assessment, the directors of said company may sue for same and may recover the whole amount of his contingent liability as stated in the policy and by-laws, with cost of suit and ten per cent. attorney's fees. But no person shall, in any case, be liable for any greater amount than the contingent liability as stated in the face of the policy.

Sec. 10. Every person insured by mutual fire insurance company, and the holder of one or more policies, shall become and be a member and entitled to one vote while his policy or policies are in force, and shall be notified of the time and place of holding its meetings by a written notice or by imprint upon each policy, receipt of certificate or renewal, as follows, to wit:

The assured is hereby notified that by virtue of this policy, he is a member of ..... insurance company, and that the annual meetings of such company are held at its home office on the ..... day of ..... in each year at ..... o'clock.

The blanks shall be filled in print, and the same shall be deemed sufficient

notice. A corporation by effecting insurance becomes a member of such company, and such corporation, through its proper representative, shall have all the rights and standing of an individual member. Any person holding property in trust may insure the same in such company, and as such trustee, assume the liability and be entitled to the rights of a member, but shall not be personally liable upon such contracts of insurance.

Sec. 11. Members may vote by proxies when such proxies are filed with the secretary of the company ten days before the meeting at which they are to be used, and the right to vote as desired cannot be changed by rules or by-laws. Every such company shall elect by ballot a board of not less than three directors, who shall manage and conduct the business for one year or for such term as the by-laws may provide and until their successors are qualified. Such directors shall be citizens of this State, and no person shall hold office unless he is a member as provided for in this act.

Sec. 12. Every mutual fire insurance company doing business in this State, under this act, shall, on or before the first day of March in each year, render the Commissioner of Insurance a report, signed and sworn to by its chief officers, showing its conditions on the preceding thirty-first day of December, which shall include detailed statement of assets and liabilities, the amount and character of its business transactions and money received and expended during the year. Such companies shall, at the time of rendering such statement, pay to the Commissioner of Insurance one-fourth of one per cent. of all premiums received, as shown by said statement, and upon application and payment of fifty (50) cents each, the Commissioner shall issue to such person or persons as may be designated by said company a certificate of authority to transact business as agent for such company for said year.

Sec. 13. That upon all policies issued by mutual fire insurance companies operating under this act, all of the terms and conditions shall be expressed or endorsed in the face or upon the back of said policy, and all such expressions or endorsements on the face or back of said policies shall be held to be valid and binding on both parties; and no reference made to any instrument of writing shall be binding upon the applicant for insurance unless its terms are fully written or printed in the face or upon the back of said policy.

Sec. 14. The officers of such company shall give bond to the company for the faithful performance of their duties in such amounts and manner as shall be

prescribed by the board of directors. Such companies shall also be exempt from all laws of the State governing other insurance companies except the anti-trust laws and the valid policy laws.

Sec. 15. That all mutual insurance companies heretofore organized under the laws of the State of Texas, or may hereafter organize, having power to make insurance against loss by fire, are hereby authorized to insure houses, buildings, live stock and other property against lightning, wind storms, tornados and cyclones, or either or all of them; provided, the same shall be clearly expressed in their policies. And every mutual fire insurance company heretofore organized and doing business in this State shall have thirty days after the passage of this act to comply with the provisions of same.

Sec. 16. The secretaries of mutual fire insurance companies heretofore organized under the laws of this State shall immediately place in some leading daily newspaper for at least ten days an advertisement giving notice to all members of such company that there will be a meeting at the company's office giving the date and hour of said meeting) for the purpose of taking the necessary steps for reorganizing and complying with the provisions of this act or liquidating a majority vote of all members present in person or by proxy (such proxies must have been filed with the company not less than ten days) shall decide what action the company will take. They may reorganize in part or in whole by declaring the board of directors and all offices of the company vacant, amending of the charter and electing a board of directors in conformity therewith, which board of directors shall adopt by-laws and elect the necessary officers as provided by said by-laws. But no action taken by such members during such meeting shall in any manner invalidate previous contracts that may have been entered into by said company, and the retiring board of directors and officers shall continue to act with full power until the new board of directors are elected under the amended charter and the officers under the by-laws as adopted by said new board of directors.

Sec. 17. No foreign fire insurance company, organized for the purpose of doing a mutual fire insurance business, shall be authorized to do business in this State; and that this act is not intended to repeal the present law governing same, nor shall the provisions of this act apply to or affect purely mutual companies now organized and doing business in only one county of the State.

After the foregoing report had been

read, the same was, on motion of Senator Paulus, adopted.

Senator Paulus moved to reconsider the vote by which the Free Conference Committee report was adopted, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 428—ON SECOND READING.

On motion of Senator Sebastian, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 428, A bill to be entitled "An Act to restore and confer upon the county court of King county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change: to fix the time of holding court, and to repeal all laws in conflict with this act."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

#### HOUSE BILL NO. 174—ON SECOND READING.

On motion of Senator Wilson, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 174, A bill to be entitled "An Act to amend Article 1316, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas, and to require the judges of the district courts, and to permit the judges of the county courts, to prepare and read their charges to the jury before counsel shall argue the cause to the jury, and to repeal all laws in conflict herewith."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, with minority favorable and majority unfavorable committee reports.

On motion of Senator Turner, further consideration of the bill was postponed until Monday, April 8th, after the conclusion of the morning call.

#### SIXTH HOUSE MESSAGE.

The following sixth House message was here delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, April 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to

inform the Senate that the House has concurred in Senate amendments to House bill No. 98.

The House has concurred in Senate amendments to House bill No. 296.

House has concurred in Senate amendments to House bill No. 537.

The House has passed the following bills:

Senate bill No. 248, A bill to be entitled "An Act to create a more efficient road system for Colorado county; making the county commissioners of said county ex-officio road commissioners; prescribing their duties as such, and providing for their compensation as such road commissioners; providing for the working of county convicts on the public roads of said county; to authorize the commissioners court to enact reasonable rules, regulations and punishments necessary for the government, control and discipline of said convicts, and for effectually securing and utilizing their labor; providing for the payment of costs due officers in misdemeanor convict cases; providing for commutation of time of convicts as a reward for faithful service and good behavior; providing for a reward, not to exceed ten dollars, to be offered for the arrest and conviction of escaped county convicts and taxing such reward and all actual costs necessarily incurred in the recapture and conviction of such convict against such convict; making it a penal offense for a county convict to escape from any person having him in charge for the county, and providing for a penalty for such escape; providing for the trimming of hedges by the owners of land adjoining public roads, and providing a penalty for failure to trim such hedges; providing the amount of compensation in road time to be allowed by road overseers to road hands for teams, plows, scrapers and wagons: providing for the condemnation of land for public road purposes; providing for the appointment of road overseers and defining their powers and duties, and providing for penalties for persons failing to work the roads when warned, and for persons failing to good work, and to work in the manner prescribed by the commissioner or road overseer; providing for the summoning of persons with teams, plows, scrapers and wagons to work in connection with the county's regularly organized road gang, or to repair roads in the precincts: providing for working convicts either upon the roads or the county farm, or partly upon both, in the discretion of the commissioners court; and providing for making such laws cumulative of the general laws of the State, and in case of conflict, the special law is to apply to Colorado county, Texas."

Senate bill No. 281, A bill to be entitled "An Act authorizing the board of managers of the Southwest Texas Lunatic Asylum, at San Antonio, Texas, in conjunction with the Governor of the State of Texas, to contract for the sinking of an artesian well on the grounds belonging to said asylum."

Senate bill No. 249, A bill to be entitled "An Act to restore and confer upon the county court of Angelina county, the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of the State of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court, and to repeal all laws or parts of laws in conflict with this act."

House bill No. 409, A bill to be entitled "An Act to aid Brazoria county, Texas, by supplementing the road and bridge fund by donating and granting to it the State ad valorem and occupation taxes collected upon property and persons in said county for a period of ten years, and providing for a proper transfer of said fund."

House bill No. 541, A bill to be entitled "An Act to create a more efficient road system for Erath county, in this State, and making the county commissioners of said county ex-officio road commissioners and prescribing their duties as such and providing for their compensation as such road commissioners, and providing for the condemning of material for the construction and maintenance of public roads and to provide for the compensation for the material used, and providing for the working of the county convicts on the public roads and the purchase of supplies for such convicts and rewards for the capture of escaped county convicts and for commutation of sentence for faithful service and good behavior, and defining the powers and duties of road overseers and to provide for the summoning of hands and teams for road work and the allowance for time for service of hands and teams on public roads and fixing a penalty for the violation of same and relieving them from the payment of such work by the payment of three dollars, and providing further, making this act cumulative of the general laws now in force, and to repeal all laws in conflict with this act and declaring an emergency."

Senate bill No. 273, A bill to be entitled "An Act to authorize the Texas, Sabine Valley & Northwestern Railway Company, the Texas & Sabine Valley Railway Company and the Marshall, Timpson & Sabine Pass Railroad Company, or either of them, or any two of

them, to sell their railroads, together with all their property, franchises and rights incident or appertaining thereto, to any railroad corporation to be chartered for the purpose of building and constructing a railroad from either the terminus of the Texas & Sabine Valley Railway, at Boren, in Panola county, Texas, by way of Teneha, in Shelby county, Texas, through the counties of Panola, Shelby, San Augustine, Jasper, Orange and Jefferson, Texas, to some point in Texas on the Gulf of Mexico, or from the terminus of the Marshall, Timpson & Sabine Pass Railroad, at Timpson, Shelby county, Texas, through the counties of Shelby, San Augustine, Jasper, Orange and Jefferson, in Texas, to some point in Texas on the Gulf of Mexico, and from the terminus of the Texas, Sabine Valley & Northwestern Railway, at Longview, in Gregg county, Texas, through the counties of Gregg, Upshur, Camp, Wood, Franklin, Hopkins, Delta and Lamar, in Texas, to some point on the line between Texas and the Indian Territory; and to authorize the new company to purchase the railroads, property, rights and franchises of either one, two or all of said railway companies, the purchasing company to assume all the obligations of the selling companies except their bonded indebtedness; and to prescribe the conditions and terms of the sale; and to authorize the selling companies to execute all necessary contracts, agreements and conveyances to accomplish the purchase and sale; and to allow the purchasing company to build and construct branch lines to its line of railway by amendments to its charter in accordance with law."

Senate bill No. 206, A bill to be entitled "An Act to amend Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature of the State of Texas, approved June 16, 1897, relating to the fees of sheriffs and constables; providing the amount of such fees, and for the payment of sheriffs' and constables' costs."

Senate bill No. 180, A bill to be entitled "An Act to amend Chapter 49, of the General laws of the State of Texas, passed at the regular session of the Twenty-sixth Legislature, and approved March 29, 1899, by adding thereto Sections 7, 8 and 9, and to provide a penalty for the violations of said sections, with amendments."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk, House of Representatives.

#### IN THE SENATE.

The Chair (President Pro Tem. Miller) had read and referred the follow-

ing House bills (see foregoing House message for captions):

House bill No. 541 referred to Committee on Roads, Bridges and Ferries.

House bill No. 409 referred to Committee on Roads, Bridges and Ferries.

#### COMMITTEE REPORT.

(By unanimous consent.)

Committee Room,

Austin, Texas, April 6, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Labor, to whom was referred

House bill No. 436, being a bill to be entitled "An Act to regulate the hours of daily service of laborers, workmen and mechanics employed upon the public works of or work done for the State of Texas, and providing contract stipulations therefor, and fixing penalties for the violation of the provisions of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and that it be not printed.

STAPLES, Chairman.

#### SENATE BILL NO. 79—ON SECOND READING.

On motion of Senator Davidson of Galveston, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

Senate bill No. 79, A bill to be entitled "An Act to prevent the spread of the contagious diseases known as yellows, block knots, peach rosette and pear blight among peach, plum, cherry, prune, almond, apricot, nectarine and pear trees, or the fruit thereof, and providing measures for the eradication of the same, and applying the provisions of this act to 'San Jose scale' when found on any vine, plant, shrub or fruit tree."

The Chair (President Pro Tem. Miller) laid the bill before the Senate on its second reading.

Bill was read second time, and

Senator Lloyd offered the following amendment:

"Amend by striking out the word 'peach' wherever it occurs in the bill."

Amendment was read, and lost.

Senator Lloyd offered the following amendment:

"Amend Section 7, page 4, by inserting in line 5, after the word 'tree,' the following: 'It is further provided, that Cherokee county be and is hereby exempted from the provisions of this act.'"

Amendment was read and lost, and

The bill was ordered engrossed.

## COMMITTEE REPORTS.

(By unanimous consent.)

Committee Room,  
Austin, Texas, April 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 432, being a bill to be entitled "An Act to facilitate the tracing of stolen or illegally disposed of cotton,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and that it be not printed.

Floor report.

BEATY, Acting Chairman.

Committee Room,  
Austin, Texas, April 6, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 541, being a bill to be entitled "An Act to create a more efficient road system for Erath county,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and that it be not printed.

Floor report.

MILLER, Chairman.

SENATE BILL NO. 180—CALLED UP  
WITH HOUSE AMENDMENTS  
AND POSTPONED.

Senator Beaty called up from the table, where it lay with House amendments,

Senate bill No. 180, A bill to be entitled "An Act to amend Chapter 49 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-sixth Legislature, and approved March 29, 1899, by adding thereto Sections 7, 8 and 9, and to provide a penalty for the violation of said sections,"

And moved that the Senate concur in the following House amendments:

SENATE BILL NO. 180—HOUSE  
AMENDMENTS.

"Amend by striking out all after the enacting clause and insert in lieu thereof the following:

"Section 1. That Chapter 49 of the General Laws passed at the Regular Session of the Twenty-sixth Legislature, and approved March 28, 1899, be amended by adding Sections 7, 8, 9 and 10.

"Section 7. That all wells drilled for the production of oil in this State shall be equipped with full-way gate valves securely attached to the outer or inner string of pipe reaching the oil bearing strata. And it shall be the duty of any person, firm, association of persons or corporation, owning or controlling such well or wells to thus prepare and have ready for closing such valves before reaching the oil-bearing strata.

"Section 8. It shall be the duty of all persons, firms, associations of persons, or corporations, immediately upon striking a flowing well of oil with their drill or boring appliances to close the valve and keep the same closed until they have arranged sufficient tankage to take care of the oil flowing from said well or wells; provided, that nothing in this act shall be construed to prevent the further sinking of any well for the purpose of securing a better flow of oil from said well.

"Section 9. It shall be unlawful for the owner or owners, lessee or receiver, of any oil well to allow the oil from such well to escape or flow uncontrolled; but it shall be the duty of such person, firm or association of persons or corporation to cause the oil flowing from such well to be conveyed to and confined in tanks prepared for that purpose. Such tanks shall be constructed of such material and in such manner as to securely hold the oil conveyed or flowed into same, which tanks, if constructed of earth, or in the earth, and unless covered with some material, shall not be more than one hundred feet in diameter at the top. And such tanks shall not be built or constructed nearer together than thirty-five (35) feet. And provided further that no such tank shall be built or constructed within one hundred (100) feet of any residence of any person, without the consent of the owner, lessee or tenant of said residence. Provided further, that it shall be the duty of the owner, lessee, or receiver of any such tank to keep the premises surrounding such tank clear of grass, or other combustible material or substance for the space of one hundred feet. And provided further, that nothing in this section shall be construed so as to include or apply to any oil which necessarily escapes or is lost in the finishing of the well.

"Section 10. Any person or persons who shall knowingly and willingly violate any of the provisions of Sections 7, 8 and 9 hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum of not less than five hundred dollars or more than two thousand dollars; and any corporation, its officers, agents, servants or employes who violates any of the terms

and provisions of said sections, such corporation shall forfeit its charter and right to do business in this State, and in addition thereto shall pay to the State a penalty of not less than five hundred dollars, or more than two thousand dollars, to be recovered by a suit in any court of competent jurisdiction, and each day any person, persons or corporation violates any of said provisions shall be a separate offense; and it is hereby made the duty of any county or district attorney, or the Attorney General of the State of Texas, to enforce the provisions of this act.

"Whereas, there is now no law which compels the restraining and controlling of oil from flowing wells; and whereas, the recent fires at Beaumont demonstrate the great danger to life and property from the oil in the region where oil is found in flowing quantities; and

whereas, the crowded condition of the calendar renders it uncertain whether this bill could be reached on regular call, therefore, the emergency and imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be put upon its third reading and final passage, therefore said constitutional rule is hereby suspended, and that this bill be in force from and after its passage, and it is so enacted."

SENATE BILL NO. 180—POSTPONED  
UNTIL APRIL 8.

Senator Grinnan offered a substitute motion that further consideration of the bill be postponed until Monday, April 8.

The substitute motion prevailed, and the bill was postponed.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Public Debt, Claims and Accounts desire to make the following report on the Bonded Debt of the State of Texas, April, 4, 1901.

**BONDED DEBT OF THE STATE OF TEXAS, APRIL, 4, 1901.**

Nature of issue.	Bonds issued.	Bonds sold.	When due.	Rate of interest.	Int. a
Frontier defense bonds, August 5, 1870.....	\$ 7,500,000 00	\$ 750,000 00	40 years.	7 per cent.	Mar.
Floating debt bonds, March 4, 1874.....	1,000,000 00	1,000,000 00	30 years.	7 per cent.	Jan.
For redemption State debt, July 6, 1876.....	1,675,000 00	1,648,000 00	30 years.	6 per cent.	Jan.
For retiring outstanding bonds and for deficiency in revenue, April 21, 1879.....	2,573,000 00	1,117,300 00	30 years.	5 per cent.	Jan.
For retiring outstanding bonds and for deficiency in revenue, April 21, 1879.....	1,000,000 00	4,620 00	20 years.	4 per cent.	Jan.
For retiring all 7 per cent. frontier defense bonds of August 5, 1870, held by individuals, Act April 5, 1879, same sold to special fund....	201,000 00	201,000 00	30 years.	5 per cent.	Mar.
For retirement of past due bonds, Acts May 2, 1893..	152,000 00	152,000 00	.....	5 per cent.	Jan.
For retirement of past due bonds, Acts May 2, 1893.....	334,500 00	334,500 00	40 years.	4 per cent.	Jan.

# **STATE BONDS HELD BY SPECIAL FUNDS AND INDIVIDUALS.**

	4 per cents.	5 per cents.
Permanent School fund.....	\$ 229,500 00	\$ 262,600 00
Permanent University fund.....		351,700 00
Agricultural and Mechanical College fund.....		
Blind Asylum fund.....	57,000 00	49,500 00
Deaf and Dumb Asylum fund.....	18,000 00	33,000 00
Lunatic Asylum fund.....	30,000 00	62,700 00
Orphan Asylum fund.....		11,200 00
Total amount held by special fund.....	\$ 334,500 00	\$ 770,700 00
Leaving amount held by individuals.....		651,200 00
	\$ 334,500 00	\$ 1,421,900 00
Four per cents.....	\$ 334,500 00	
Five per cents.....		\$ 1,421,900 00
Six per cents.....		
Seven per cents.....		
Totals.....		

The above bonds outstanding held by individuals are of the following series:

Five per cent., Act April 21, 1879, due 1909.....	\$ 651,200 00
Seven per cent., Acts March 4, 1874, due 1904.....	66,000 00
Total.....	\$ 717,200 00



## SENATE BILL NO. 97—ENGROSSMENT VOTE RECONSIDERED.

Senator Sebastian moved that the Senate reconsider the vote by which Senate bill No. 79 (peach bill by Senator Davidson of Galveston) was ordered engrossed.

The motion prevailed.

## SENATE BILL NO. 190—SENATE REFUSED TO TAKE UP.

Senator Beaty moved that the pending order of business (Senate bill No. 79) be suspended and the Senate take up, out of its order,

Senate bill No. 190, A bill to be entitled "An Act declaring the failure of guardians and administrators to make all reports, statements and settlements required of them by law, within thirty days after lawful notice by the judge of the county where such guardianship or administration is pending, a misdemeanor, and prescribing a penalty therefor."

Motion to suspend pending business was lost, and

## SENATE BILL NO. 79—PENDING ON SECOND READING.

The Senate resumed consideration of pending business, Senate bill No. 79 (peach bill by Senator Davidson of Galveston), the question being on its second reading.

On motion of Senator Beaty, the bill was laid on the table subject to call.

## SENATE BILL NO. 167—ON SECOND READING.

On motion of Senator Wilson, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

Senate bill No. 167, A bill to be entitled "An Act to amend Article 645, of Chapter 2, of the Acts of 1874, relating to charters of corporations."

The Chair (President Pro Tem. Miller) laid the bill before the Senate on its second reading.

Bill was read second time, and ordered engrossed.

## HOUSE BILL NO. 180—ON SECOND READING.

On motion of Senator Wayland, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 180, A bill to be entitled "An Act to amend Chapter 49 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-sixth Legislature, and approved March 29, 1899, by adding thereto Sections 7, 8 and 9, to provide a penalty for the violations of said sections."

On motion of Senator Wayland, the Senate rule requiring committee reports to lay over for one day was suspended for the purpose of considering the bill, on its second reading.

(Bill was reported this day from committee.)

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

## HOUSE BILL NO. 436—ON SECOND READING.

Senator Turner moved that the pending order of business (Senate bill No. 169) be suspended and the Senate take up, out of its order,

House bill No. 436, A bill to be entitled "An Act to regulate the hours of daily service of laborers, workmen and mechanics employed upon the public works of or work done for the State of Texas, and providing contract stipulations therefor, and fixing penalties for the violations of the provisions of this act."

## RECESS.

Pending action on the motion of Senator Turner, the Senate, on motion of Senator Hanger, recessed for thirty minutes.

## AFTER RECESS.

## SUBSTITUTE HOUSE BILL NO. 31—FREE CONFERENCE COMMITTEE REPORT.

Committee Room,  
Austin, Texas, April 6, 1901.

*Hon. J. N. Browning, President of the Senate, and Hon. R. E. Prince, Speaker of the House of Representatives.*

SIRS: We, your Free Conference Committee, to whom was referred

Substitute House bill No. 31, A bill to be entitled "An Act making appropriations for the support of the State government for six months beginning March 1, 1901, and ending August 31, 1901, and for other purposes," together with Senate amendments to said bill, have had the same under consideration and beg to report back the following Free Conference Committee bill in lieu of said House bill and Senate amendments, and recommend that the Free Conference bill be adopted.

Respectfully submitted,  
DIBRELL,  
TURNER,  
WAYLAND,  
WILSON,  
JAMES,

On the part of the Senate.

SCHLUTER,  
MARSH,  
HARBISON,  
MURRAY,  
GREEN,

On the part of the House.

SUBSTITUTE HOUSE BILL NO. 31—  
FREE CONFERENCE COMMIT-  
TEE SUBSTITUTE BILL.

A BILL

TO BE ENTITLED

An Act making appropriations for the State government for six months, beginning March 1, 1901, and ending August 31, 1901, and for other purposes.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State treasury not otherwise appropriated, for the support of the State government from March 1, 1901, to August 31, 1901, and for other purposes:

EXECUTIVE OFFICE.

Salary of Governor.....	\$ 2,000
Salary of private secretary....	1,000
Salary of stenographic clerk...	600
Salary of porter.....	210
Salary of State Revenue Agent.	1,000
Traveling expenses, State Revenue Agent .....	250
Stationery and stamps, State Revenue Agent.....	50
Payment of rewards heretofore authorized to be expended under the direction of the Governor .....	2,000
Payment of rewards and other expenses necessary for the enforcement of the law.....	3,750
Books and stationery.....	150
Freight, postage and telegraphing .....	300
Ice .....	18
Office furniture .....	100
Contingent expenses .....	50
Salary of Board of Pardon Advisers .....	1,200
Salaries of Board of Pardon Advisers from February 14 to February 28, 1901 .....	120
To refund Governor money drawn from his salary by Lieutenant Governor while acting as Governor .....	266.64
For pay of Lieutenant Governor while acting as Governor....	250

MANSION AND GROUNDS.

Labor in keeping up mansion

and grounds surrounding mansion .....	\$ 400
Water and ice.....	100
Fuel and lights.....	225
Contingent expenses .....	100
Furniture and repairs .....	1,000
Repairing cistern .....	62.75
Cement walk .....	230.79

STATE DEPARTMENT.

Salary of Secretary of State...	1,000
Salary of chief clerk.....	850
Salaries of five assistants, three at \$570 each, one at \$525, and one at \$520 .....	2,755
Salary of extra clerk to copy laws .....	250
Salary of porter.....	180
Freight, postage and express...	850
Books and stationery .....	250
Furniture and files.....	100
Contingent expenses .....	100

TREASURY DEPARTMENT.

Salary of Treasurer.....	1,250
Salary of chief clerk.....	1,000
Salary of chief bookkeeper.....	750
Salary of assistant bookkeeper.	600
Salary of receiving clerk.....	712.50
Salary of messenger and collector .....	360
Salaries of two additional clerks at \$600 each .....	1,200

SCHOOL LAND DEPARTMENT.

Salary of chief bookkeeper.....	750
Salary of corresponding clerk..	650
Salary of examining clerk.....	650
Salary of assistant corresponding and bond clerk .....	600
Salary of first assistant bookkeeper .....	600
Salary of second assistant bookkeeper .....	600
Salary of third assistant bookkeeper .....	600
Salary of one abstract and index clerk .....	600
Salary of letter file clerk.....	600
Bookkeeper and corresponding clerk, lease department .....	650
Salary of bookkeeper, University and Asylum lands, and register clerks .....	600
Salary of night watchman.....	375
Salary of porter .....	180
Books, stationery and postage..	1,000
Keeping in repair time locks, combinations and vaults, office furniture and files .....	150
To cover deficiency on stationery .....	185.85
Contingent expenses .....	75
To refund to purchasers or lessees of public domain, public school, University or	

<p>Asylum lands, the money paid by them into the State treasury in accordance with the laws of this State, where it is shown that title cannot issue or possession pass because of conflict sales out of lands leased, erroneous sales and other causes patents cannot issue, or where patent has been canceled by a decree of court or Land Commissioner, to be paid out of the respective funds to which said payments were credited, said claims to be approved by the Attorney General as to whether claims come under the provisions of this act, and as to correctness of claims and to whom due....\$ 30,000</p>		<p>Salary of school and special warrant clerk .....\$ 550</p>	
<p>To refund to purchasers of the public domain the filing fees paid the Commissioner of the General Land Office, on locations made under act of July 14, 1879, and amended 1881, where field notes were returned but sales were not made by the State; provided, it should be ascertained that such purchasers who paid filing fees in compliance with said act in all other respects complied with the law and were not instrumental in preventing such sales; and, provided, that all such claims shall be audited by the Treasurer and approved by the Attorney General and the Governor as to correctness of claims, and the amount and to whom due, before the Comptroller shall be authorized to issue his warrant; and provided, all such claims shall be presented before July 1, 1901..... 5,000</p>		<p>Salary of bookkeeper in warrant department. .... 550</p>	
		<p>Salary of chief tax clerk..... 675</p>	
		<p>Salary of assistant tax clerk... 550</p>	
		<p>Salary of redemption clerk.... 650</p>	
		<p>Salary of assistant redemption clerk. . .... 550</p>	
		<p>Salary of examining clerk..... 675</p>	
		<p>Salary of assistant examining clerk . .... 550</p>	
		<p>Salary of auditing clerk..... 637.50</p>	
		<p>Salary of assistant auditing clerk . .... 550</p>	
		<p>Salaries of three pension clerks at \$600 each ..... 1,800</p>	
		<p>Salary of deposit, warrant and general clerk . .... 570</p>	
		<p>Salary of mailing and file clerk. 500</p>	
		<p>Salary of assistant mailing and file clerk . .... 500</p>	
		<p>Salaries of fifteen assistant clerks at \$500 each..... 7,500</p>	
		<p>Salary of first assistant special tax clerk . .... 550</p>	
		<p>Salary of first assistant unorganized county desk . .... 550</p>	
		<p>Salary of general warrant and register clerk . .... 550</p>	
		<p>Salary of stenographer, who shall perform such other duties as may be required by the Comptroller . .... 475</p>	
		<p>Salary of messenger . .... 200</p>	
		<p>Salaries of two porters at \$180 each . .... 360</p>	
		<p>Postage, telegraphing, express and office furniture . .... 1,700</p>	
		<p>Books and stationery . .... 750</p>	
		<p>Contingent expenses . .... 50</p>	
		<p>Traveling expenses of the Comptroller, or his representatives, when necessary to check up tax collectors' accounts, or other official business..... 150</p>	
		<p>GENERAL LAND OFFICE.</p>	
		<p>Salary of Commissioner . .... 1,250</p>	
		<p>Salary of chief clerk . .... 850</p>	
		<p>Salary of receiving clerk . .... 675</p>	
		<p>Salary of legal examiner . .... 750</p>	
		<p>Salary of head clerk in transcript department . .... 600</p>	
		<p>Salaries of two transcript clerks at \$570 each . .... 1,140</p>	
		<p>Salaries of two patent clerks at \$570 each . .... 1,140</p>	
		<p>Salaries of three file and transfer clerks at \$550 each..... 1,650</p>	
		<p>Salary of letter index clerk.... 570</p>	
		<p>Salary of abstract clerk . .... 600</p>	
		<p>Salaries of four corresponding clerks at \$600 each . .... 2,400</p>	
		<p>Salaries of two letter register clerks at \$550 each . .... 1,100</p>	
<p>COMPTROLLER'S OFFICE.</p>			
<p>Salary of Comptroller..... 1,250</p>			
<p>Salary of chief clerk..... 850</p>			
<p>Salary of chief bookkeeper..... 775</p>			
<p>Salary of assistant bookkeeper. 650</p>			
<p>Salaries of two corresponding clerks at \$600 each . .... 1,200</p>			
<p>Salaries of two sheriff's clerks, witness and attorney's accountants, at \$650 each . .... 1,300</p>			
<p>Salary of receiving clerk, who shall perform duties of first assistant clerk to Comptroller 570</p>			
<p>Salary of clerk for registering county and city bonds..... 550</p>			
<p>Salary of warrant clerk . .... 650</p>			

Salary of clerk in charge of file room .....	\$ 550	Ribbon, carbon, and repairing typewriters .....	\$ 25
Salary of clerk to superintend the examination of files and records .....	570	ATTORNEY GENERAL'S DEPARTMENT.	
Salary of one general clerk, who shall be versed in the Spanish and English languages, and as requested by the Commissioner shall translate the Spanish records into the English language, and transcribe the same if so desired .....	570	Salary of Attorney General....	1,000
DRAFTING DEPARTMENT.		The further sum, or as much thereof as may be necessary to pay such fees as may be prescribed by law.....	1,000
Salary of chief draftsman ....	800	Salary of first office assistant..	1,250
Salaries of first five assistant draftsmen at \$700 each.....	3,500	Salary of second office assistant.	1,000
Salaries of three assistant draftsmen at \$600 each.....	1,800	Salary of third office assistant.	1,000
Salaries of four assistant draftsman at \$550 each.....	2,200	Salary of stenographic clerk...	500
SCHOOL LAND DEPARTMENT.		Salary of filing and recording clerk .....	500
Salary of chief clerk .....	750	Stationery, postage, telephoning, telegraphing and express.	250
Salary of head sales clerk.....	675	Law books and periodicals.....	300
Salaries of two assistant sales clerks at \$575 each .....	1,150	Cost of depositions and procuring evidence .....	200
Salaries of two assistant sales clerks at \$560 each .....	1,120	Salary of porter and messenger.	210
Salary of award and compiling clerk .....	600	Actual traveling expenses incurred by the Attorney General, or any of his assistants, in giving attention to the State's business pending elsewhere than in the courts held in Austin, vouchers to be made upon official certificates.	300
Salary of assistant award and compiling clerk .....	540	Contingent expenses .....	50
Salaries of two bookkeepers at \$600 each .....	1,200	For certified copies of pleadings and other documents necessary to the preparation of causes and not coming strictly under the head of depositions and procuring evidence.....	75
Salaries of four corresponding clerks at \$600 each .....	2,400	To pay costs in civil cases, in which suit is brought for the State by the Attorney General, or under his direction, where such costs are adjudged against the State, or where such costs are incurred by the State, and demanded at the end of the term, as provided by Article 1422, Revised Statutes of 1895, in which case only such costs as are incurred by the State in such civil cases shall be paid out of this fund, such accounts to be approved by the Attorney General .....	2,250
Salary of draftsman .....	600	To pay costs in suits brought by the State against the G., H. & S. A. Railway Co. and the H. & T. C. Railway Co., and by the judgment of the Supreme Court of the United States .....	1,736.50
Salary of assistant draftsman.	540	DEPARTMENT OF EDUCATION.	
Salaries of four lease clerks at \$550 each .....	2,200	Salary of State Superintendent of Public Instruction.....	1,250
Salaries of two new record clerks at \$540 each .....	1,080	Salary of chief clerk.....	850
Salaries of two field agents at \$650 each .....	1,300	Salary of statistical clerk.....	600
Expense of keeping the two field agents in the field .....	750		
Salary of night watchman ....	300		
Salary of porter and janitor...	300		
Stationery, books, records, furniture and contingent expenses.	750		
Wood, water and ice .....	150		
Postal cards and stamps.....	900		
Telegraphing, towels and laundry .....	17.50		
Repairing and binding records and books .....	50		
Repairs to fixtures and furniture. ....	50		
Repairs to building, and matting for building .....	100		
Instruments for drafting department .....	25		
Two typewriting machines ....	200		

Salary of auditing and index clerk .....	\$ 570	Postage, stationery, books, telegraphing and express charges..	\$ 275
Salary of corresponding and examining clerk .....	570	Furniture, fixtures and files...	150
Salary of corresponding and general clerk .....	550	Contingent expenses .....	50
Salary of corresponding and stenographic clerk .....	550	DEPARTMENT OF AGRICULTURE, INSURANCE, STATISTICS AND HISTORY.	
Salary of mailing and blank room clerk .....	450	Salary of Commissioner .....	1,000
Salary of porter .....	180	Salary of chief clerk .....	850
Salary of two clerks for three months each during June, July and August, at \$270 each.	540	Salary of bookkeeper and statistical clerk and stenographer .....	570
Actual traveling expenses of State Superintendent and his representative when visiting schools, and teachers' and trustees' meetings, and when on official duties relating to the interest of public schools.	100	Salary of agricultural clerk....	550
Postage, stationery, office furniture, files, binding reports and other books, forms and pamphlets .....	750	Salary of historical clerk.....	550
Express, freight, telegraphing and contingent expenses ....	350	Salary of insurance clerk.....	550
Printing and distributing county superintendent's record books, county and city treasurer's report books, teacher's daily registers, school laws, courses of study, examination questions, teacher's, superintendent's and treasurer's blank reports, census blanks, circulars to school officers and teachers and other blank forms and circulars necessary for the use of teachers and other school officers.....	1,500	Expenses of Commissioner in enforcing insurance laws....	250
For support of public free schools for six months, all available public free school funds arising from interest or lease of school land, interest on bonds, school taxes and all other sources of revenue to said fund.		Postage, stationery, telegraph and express .....	250
RAILROAD COMMISSION.		Rent of telephone.....	24
Salaries of three Commissioners at \$2,000 each .....	6,000	Books for State library.....	250
Salary of secretary .....	875	Collecting historical data....	125
Salary of one rate clerk.....	750	Book cases and shelving.....	125
Salary of one general clerk....	600	Subscriptions to newspapers, magazines, and binding same	75
Salary of porter.....	180	Contingent expenses .....	50
Pay of experts and other necessary expenses, including printing such bills as may be necessary, maps, pamphlets, rulings, etc.....	6,000	Salary of porter.....	180
Sheriff's witness fees and mileage .....	250	All bills to be approved by the commissioner.	
Transportation of Commissioners and clerks .....	125	UNIVERSITY OF TEXAS.	
		<i>Main University at Austin.</i>	
		For the maintenance, support and direction of the University of Texas, including repairs, extensions, improvements and buildings for the next six months, beginning March 1, 1901, and ending August 31, 1901, all the available University funds, including interest from its bonds and land notes and interest from its land leases, and all fees collected from students, and all other receipts and revenues of the University.	
		For the maintenance, support and direction of the University for the six months beginning March 1, 1901, and ending August 31, 1901, from the general revenue .....	
			30,000
		<i>Medical Branch of Galveston.</i>	
		For maintenance, support and direction for the six months beginning March 1, 1901, and ending August 31, 1901, all fees collected from students and all other receipts and revenues, and in addition therefrom the general revenue.	
			22,500
		For refunding to George W. Brackenridge money advanced	

for making temporary repairs at medical college.....\$	12,725	For repairs of trunks and to purchase new trunks.....\$	75
For restoring, reforming, repairing and improving buildings and grounds of medical college, Sealy Hospital and University Hall, and for the repair and purchase of equipment, furniture and supplies therefor, from the general revenue, provided this appropriation shall not lapse at the end of said six months...	40,338	For repair of books of the court	100
SUPREME COURT.		COURT OF CIVIL APPEALS—FIRST DISTRICT.	
Salaries of three judges at \$2000 each .....	6,000	Salaries of three judges at \$1,750 each .....	5,250
Salary of clerk .....	1,250	Salary of stenographer.....	300
Salary of stenographer and law clerk; provided, the stenographer shall not be authorized by accepting this position to present any claim against the State for any further sum .....	600	Salary of bailiff.....	50
Salary of assistant librarian and bailiff, who shall be appointed by Chief Justice of the Supreme Court, and who shall keep open the library from 8:30 a. m. to 12 m. and from 12:30 p. m. to 5 p. m. each day, except Sundays and holidays .....	360	Salary of porter .....	150
Salary of porter hire for judges and consultation room .....	180	Postage and box rent .....	50
Salary of porter for court room, library and clerk's room....	180	Record books and stationery...	100
Record books and stationery..	250	Books for law library.....	125
Postage .....	90	Contingent expenses .....	75
Purchase of books for Supreme Court library and consultation room, and for binding books to be selected by the chief justice .....	1,000	COURT OF CIVIL APPEALS—SECOND DISTRICT.	
Contingent expenses .....	200	Salaries of three judges at \$1,750 each .....	5,250
COURT OF CRIMINAL APPEALS.		Salary of stenographer.....	300
Salaries of three judges.....	6,000	Salary of bailiff .....	50
Salary of stenographer.....	500	Salary of porter .....	150
Sheriff's attendance on court..	100	Postage .....	50
Postage .....	75	Record books and stationery...	100
Contingent expenses .....	100	Postage and box rent.....	50
Fuel and lights .....	50	Contingent expenses .....	75
Law books to be selected by the presiding judge .....	150	COURT OF CIVIL APPEALS—THIRD DISTRICT.	
Record books and stationery...	100	Salaries of three judges at \$1,750 each .....	5,250
Salary, mileage, fees and traveling expenses of Assistant Attorney General .....	1,500	Salary of stenographer.....	300
Telegraphing and contingent expenses of Assistant Attorney General .....	25	Salary of bailiff.....	50
Salary of porter .....	240	Salary of porter .....	150
Clerk's fees in felony cases, or so much thereof as may be necessary .....	1,500	Record books and stationery...	100
		Postage .....	50
		Books for library and consultation room.....	500
		Contingent expenses .....	75
		COURT OF CIVIL APPEALS—FOURTH DISTRICT.	
		Salaries of three judges at \$1,750 each .....	5,250
		Salary of stenographer.....	300
		Salary of bailiff.....	50
		Salary of porter .....	150
		Postage .....	50
		Record books and stationery...	100
		Books for library and consultation .....	125
		Contingent expenses .....	75
		COURT OF CIVIL APPEALS—FIFTH DISTRICT.	
		Salaries of three judges at \$1,750 each .....	5,250
		Salary of stenographer.....	300
		Salary of bailiff.....	50
		Salary of porter .....	150
		Record books and stationery...	100
		Postage .....	50
		Books for library and consultation room.....	500
		Contingent expenses .....	75

JUDICIARY.		DEAF, DUMB AND BLIND ASYLUM FOR COLORED YOUTHS.	
Salaries of fifty-six district judges .....	\$ 70,000	Groceries, miscellaneous, etc....	\$ 500
Salaries of thirty-eight district attorneys .....	9,500	To pay amount of registered deficiencies for the payment of attached witnesses .....	8,243.33
Salary of criminal district attorney .....	250	To pay amount of estimated additional deficiency for the payment of attached witnesses .....	25,000
Salaries of two criminal district judges .....	2,500	To pay amount of registered deficiencies for the payment of officers holding examining trials .....	200
Fees and costs of sheriffs, clerks and attorneys in felony cases.	125,000	To pay amount of estimated additional deficiencies for the payment of officers holding examining trials .....	2,500
Expenses of attached witnesses.	50,000		
Fees of county judges, justices of the peace, sheriffs and constables in examining trials..	7,500		
Salary of Supreme Court reporter .....	1,500		
Salary of Court of Criminal Appeals reporter .....	1,500		
Salary of assistant Supreme Court reporter or reporters..	1,500		
Salaries of special judges .....	1,250		
Amount of registered deficiency to pay special judges for the year ending February 28, 1891 .....	2,500		
Amount of estimated additional deficiency to pay special judges for the year ending February 28, 1901 .....	2,500		
PENSIONS.		STATE ORPHAN ASYLUM.	
Pay of veterans under general law .....	20,000	Salary of Superintendent, who shall be ex-officio accountant and storekeeper .....	750
		Salary of matron .....	270
		Salaries of seven teachers at \$180 each .....	1,260
		Salary of industrial manager..	625
		Salary of physician, not to live in home .....	300
		Salary of baker .....	150
		Salaries of three cooks at \$100 each .....	300
		Salary of dining room and dairy woman .....	108
		Salaries of three laundresses at \$80 each .....	240
		Salary of gardener, poultryman and farm laborer .....	210
		Salary of night watchman ....	160
		Salary of trained nurse in hospital .....	180
		Salary of cook and assistant nurse .....	108
		Salaries of six ward nurses at \$100 each .....	600
		Salaries of three seamstresses at \$120 each .....	360
		Salary of engineer and pumper.	120
		Appliances and instructor for mattress and broom factory..	250
		Material and instructor for shoe factory .....	250
		Fuel .....	250
		Postage and stationery .....	37.50
		School books, stationery and general school supplies, including kindergarten .....	300
		Transportation .....	150
		Telephone .....	30
		Electric lights .....	250
		General maintenance, to include all supplies believed by the board of trustees to be necessary to support the home .....	4,899.95
PUBLIC DEBT.			
Payment of interest on public debt .....	112,157.50		
ACTUAL DEFICIENCIES FOR THE YEAR ENDING FEBRUARY 28, 1901.			
COURT OF CIVIL APPEALS—FIRST DISTRICT.			
Contingent expenses .....	100		
ADJUTANT GENERAL'S DEPARTMENT.			
Postage, stationery and telegraphing .....	200		
COURT OF CRIMINAL APPEALS.			
Record books and stationery ..	300		
LIVE STOCK SANITARY COMMISSION.			
Deficiency live stock sanitary commission .....	1,035.45		
STATE LUNATIC ASYLUM.			
Steam heating plant, new and old buildings .....	4,800		
Erecting building to be used as dining hall, kitchen, etc. ....	6,450.45		
PRAIRIE VIEW NORMAL SCHOOL.			
General repairs and painting...	4,082.33		
Removing and repairing Kirby house .....	280		

For rebuilding barn destroyed  
by fire, and general repairs..\$ 2,500  
Deep well pump and appliances  
for artesian well ..... 500  
Amount of deficiency for gen-  
eral maintenance and supplies  
for the support of the home  
for year ending February 28,  
1901; to be paid out upon the  
approval of the Governor.... 6,092.88

## STATE LUNATIC ASYLUM.

Salary of Superintendent, pro-  
vided he shall receive pro-  
visions not to exceed \$250,  
and fuel, lights, water and  
housing for himself and fam-  
ily ..... 1,000  
Salary of first assistant physi-  
cian ..... 700  
Salary of second assistant phy-  
sician ..... 700  
Salary of third assistant physi-  
cian ..... 700  
Salary of steward, storekeeper  
and accountant ..... 450  
Salary of clerk and office as-  
sistant .. ..... 390  
Salary of matron ..... 300  
Salary of supervisor ..... 240  
Salary of druggist ..... 275  
Salary of supervisoress ..... 240  
Salary of outside supervisor and  
head farmer ..... 275  
Salary of chief engineer and  
plumber ..... 450  
Salary of assistant engineer and  
electrician ..... 300  
Salary of gardener and florist.. 150  
Salary of chief cook..... 275  
Salary of first assistant cook.. 150  
Salaries of five assistant cooks  
at \$100 each ..... 500  
Salary of baker ..... 240  
Salary of assistant baker ..... 120  
Salary of carpenter ..... 270  
Salary of assistant carpenter.. 200  
Salary of blacksmith ..... 270  
Salaries of three firemen at  
\$180 each ..... 540  
Salaries of fifteen night attend-  
ants at \$150 each ..... 2,250  
Salary of head laundryman or  
laundress ..... 180  
Salary of assistant head laun-  
dryman or laundress ..... 150  
Salaries of six laundresses at  
\$120 each ..... 720  
Salary of head seamstress ..... 150  
Salaries of six seamstresses at  
\$120 each ..... 720  
Salaries of sixty attendants ... 7,200  
Salaries of two trained nurses  
at \$180 each ..... 360  
Salaries of three farm hands at  
\$90 each ..... 270  
Salary of dairyman ..... 150

Salary of assistant dairyman..\$ 120  
Salary of plasterer and painter. 240  
Salary of tailor ..... 200  
Salary of shoemaker ..... 150  
Groceries, fuel, lights, water  
and medical stores and surgi-  
cal instruments, including  
pay of board of managers at  
\$5 per month for attendance  
upon meetings of the board,  
and mileage ..... 28,164.35  
Dry goods and clothing ..... 2,917  
Furniture and beds ..... 2,000  
General repairs and painting.. 1,500  
Transportation of patients..... 375  
Literature and amusement .... 250  
Engineer's and carpenter's tools 50  
To provide for 175 colored pa-  
tients and the erection of a  
building for that purpose... 14,000  
Contingent expenses ..... 250  
Trees, seeds and flowers..... 37.50  
Repairing machinery ..... 250

## SOUTHWESTERN INSANE ASYLUM.

Salary of Superintendent, with  
board for himself and family  
not to exceed in value \$250,  
and fuel, lights, water, and  
housing. .... 1,000  
Salary of first assistant super-  
intendent ..... 700  
Salary of second assistant super-  
intendent ..... 700  
Salary of storekeeper ..... 450  
Salary of assistant storekeeper. 240  
Salary of druggist ..... 275  
Salary of matron ..... 300  
Salary of supervisor ..... 240  
Salary of supervisoress ..... 240  
Salary of outside supervisor  
and head farmer ..... 275  
Salary of chief engineer ..... 450  
Salary of assistant engineer and  
plumber ..... 300  
Salaries of three firemen ..... 450  
Salary of gardener ..... 150  
Salary of chaplain ..... 150  
Salary of chief cook ..... 275  
Salary of first assistant cook.. 150  
Salaries of four assistant cooks. 400  
Salary of baker ..... 240  
Salary of assistant baker ..... 120  
Salary of chief carpenter ..... 270  
Salary of assistant carpenter.. 200  
Salary of plasterer and painter. 240  
Salary of tailor ..... 200  
Salary of shoemaker ..... 150  
Trees, seeds, farm machinery  
and tools ..... 300  
Engineer and carpenter tools .. 100  
Bridges, culverts and grounds.. 100  
Laundry machinery ..... 250  
General repairs and painting.. 500  
Wagon scales ..... 100  
Furniture and beds ..... 2,500



Additional store rooms, cement floors in basement.....\$	2,000	Salary of baker.....\$	240
Alterations and cement floor in ice house .....	150	Salary of assistant baker.....	120
Three dining room girls .....	360	Salary of carpenter.....	270
Ten night attendants .....	1,500	Salary of first assistant carpenter .....	200
Head laundress .....	180	Salary of blacksmith.....	200
Assistant head laundress .....	150	Salary of plasterer.....	240
Six laundresses .....	720	Salary of painter.....	240
Three farm hands .....	270	Salary of tailor.....	200
Two trained nurses .....	360	Salary of shoemaker.....	150
Head seamstress .....	150	Salaries of five dining room girls .....	600
Five seamstresses .....	600	Salaries of six farm hands....	540
Fifty attendants .....	6,000	Salaries of fifteen night attendants at \$150 each.....	2,250
One dairyman .....	150	Salary of head laundryman or laundress .....	180
Support, maintenance and repairs; groceries, fuel, lights and water, including pay of board of managers and mileage, medical stores and surgical instruments .....	24,292	Salary of assistant head laundryman or laundress .....	150
Dry goods and clothing .....	2,303	Salaries of ten laundresses, at \$120 each.....	1,200
Transportation of patients ....	375	Salary of head seamstress.....	150
Literature and amusements ...	250	Salaries of eight seamstresses, at \$120 each.....	960
Contingent expenses .....	250	Salary of mattress maker.....	120
Cows, horses, mules and hogs, in addition to such sum as can be realized by the sale of such stock as is now on hand and unserviceable .....	800	Salaries of eighty attendants..	9,600
Wagons, hack and harness.....	500	Salary of dairyman.....	150
		Salary of assistant dairyman..	120
		Groceries, fuel, lights and water, medical stores and surgical instruments .....	34,212.65
		Transportation .....	500
		Contingent expenses .....	250
		Dry goods and clothing.....	7,338
		Furniture and bedsteads.....	750
		General repairs and painting...	1,500
		Cows, horses, mules and hogs, with privilege to sell or exchange old stock.....	500
		Literature and amusement.....	250
		Trees, seeds and stock.....	125
		Wagons, hacks and harness....	300
		Engineer's tools .....	150
		Mowers, plows and farm implements .....	150
		Pipe and piping .....	500
		Bridges, culverts and grounds..	150
		To purchase additional boilers and steam connections (the board of managers are authorized to sell or exchange old boilers in part payment of new) .....	7,500
		One outside watchman .....	180
		To purchase one new dynamo and engine .....	4,000
		To purchase ice machine, refrigerators and cold storage....	4,000
		To purchase laundry machinery	2,000
		To purchase typewriter.....	100
		Provided that the interest on all securities held by the lunatic asylum fund is hereby appropriated in part payment of the appropriation of the three lunatic asylums, the remainder of the appropriation to be paid out of the general revenue. All moneys now in, or which may	

## NORTH TEXAS INSANE ASYLUM.

Salary of Superintendent, with board for himself and family not to exceed in value \$250, and fuel, lights, water and housing .....	1,000
Salary of first assistant physician .....	700
Salary of second assistant physician .....	700
Salary of third assistant physician .....	700
Salary of storekeeper and accountant .....	450
Salary of assistant storekeeper and accountant .....	240
Salary of druggist .....	275
Salary of matron.....	300
Salary of supervisor.....	240
Salary of assistant supervisor..	210
Salary of outside supervisor and head farmer.....	240
Salary of supervisoreess.....	240
Salary of assistant supervisoreess .....	210
Salary of chief engineer.....	450
Salary of assistant engineer and electrician .....	300
Salary of plumber.....	300
Salaries of four firemen.....	600
Salary of gardener.....	160
Salary of chaplain.....	150
Salary of chief cook.....	225
Salary of first assistant cook..	150
Salaries of six under cooks....	720

hereafter be paid into the State treasury for the board and treatment of non-indigent patients and from sales of personal property of the three lunatic asylums, shall be paid over to the State Treasurer monthly and credited by him to the general revenue.

## BLIND ASYLUM.

Salary of Superintendent, with board for himself and family not to exceed in value \$250, and fuel, lights, water and housing .....	\$ 1,000
Salary of oculist .....	350
Salary of storekeeper and accountant, with day board ..	450
Salary of matron .....	211.10
Salary of second matron .....	171.10
Salaries of principal and fourteen teachers, all without board except three. ....	4,240.85
Salary of music reader, without board .....	262.50
Salary of teacher, girls' industrial department, without board .....	175
Salary of teacher, boys' industrial department, without board .....	175
Salary of assistant teacher of boys' industrial department..	122.50
Salary of sick nurse for girls..	105
Salary of sick nurse for boys..	105
Salary of monitress and seamstress for small girls .....	93.35
Salary of monitress and seamstress for small boys .....	93.35
Salary of night watchman, without board .....	194.45
Salary of engineer, electrician and plumber, with day board for self. ....	450
Salary of fireman .....	116.67
Salary of hostler and yardman, west side .....	150
Salary of diningroom waiter, yard man and helper, east side .....	150
Salaries of one baker and three cooks .....	280
Salary of one cook .....	37.50
Salaries of head laundress and three assistant laundresses..	311.10
Salary of one laundress .....	50
Salary of housekeeper for large boys .....	87.54
Salaries of three chambermaids.	198.50
Salaries of four diningroom girls .....	245
Salary of one chambermaid....	37.50
Salaries of five trustees .....	150
Transportation of pupils .....	600
Clothing of pupils .....	500
Coal and wood, water and lights	1,000
To purchase pianos, musical instruments, music books in	

line and point print, dissecting maps, globes, apparatus for school, school furniture, kindergarten material, sewing machines and material for girls' industrial department..	\$ 500
Groceries, provisions, supplies, printing, medicines, supplies for oculist, contingent and miscellaneous expenses, including deficiency prior to March 1, 1901 .....	5,827.30
Painting buildings, including roof on east building, and painting iron fence around east lot .....	1,250
For one heater, repair of furnaces, changing breeching and auxiliary feed to boiler.	500
For repairing sewers and putting in new pipe, and other work .....	1,500
Improvement of grounds and general repairs .....	500
Medical attendance .....	300
To purchase two horses and wagonette .....	400
Trained physical director .....	200

## DEAF AND DUMB ASYLUM.

Salary of Superintendent, with board for himself and family not to exceed in value \$250, and fuel, lights, water and housing .....	1,000
Salary of principal, without board .....	583.33
Salary of first teacher, without board .....	456.94
Salary of second teacher, without board .....	420.00
Salary of third teacher, without board .....	420.00
Salary of fourth teacher, without board .....	301.39
Salary of fifth teacher, without board .....	301.39
Salary of sixth teacher, without board .....	301.39
Salary of seventh teacher, without board .....	301.39
Salary of eighth teacher, without board .....	301.39
Salary of ninth teacher, without board .....	301.39
Salary of tenth teacher, without board .....	255.72
Salary of eleventh teacher, without board .....	255.72
Salary of twelfth teacher, without board .....	255.72
Salary of first oral teacher, without board .....	420.00
Salary of second oral teacher, without board .....	332.50
Salary of third oral teacher, without board .....	332.50

Salary of fourth oral teacher, without board .....	\$ 301.39	Dry goods, blankets and mattresses .....	\$ 500.00
Salary of fifth oral teacher without board .....	301.39	Harness and tools .....	200.00
Salary of sixth oral teacher, without board .....	301.39	Engineer's and carpenter's tools .....	100.00
Salary of seventh oral teacher, without board .....	280.00	Repairs on buildings and grounds .....	1,000.00
Salary of eighth oral teacher, without board .....	280.00	Provided, that the interest on all securities held by Deaf and Dumb and Blind Asylum funds are hereby appropriated, the remainder to be paid out of the general revenue.	
Salary of ninth oral teacher, without board .....	255.72	HOUSE OF CORRECTION AND REFORMATORY.	
Salary of tenth oral teacher, without board .....	255.72	Salary of Superintendent .....	900
Salary of art teacher, without board .....	301.39	Salary of accountant .....	450
Salary of instructor in printing, without board .....	350.00	Salary of farm supervisor .....	300
Salary of instructor in shoemaking, without board .....	348.05	Salary of engineer .....	250
Salary of instructor in carpentry .....	447.50	Salaries of two teachers at \$240 each .....	480
Salary of instructor in tailoring, without board .....	301.39	Salaries of four night guards .....	720
Salary of instructor in sewing .....	155.55	Salaries of ten day guards .....	1,500
Salary of instructor in painting .....	240.00	Salary of baker and cook .....	180
Salary of storekeeper and accountant .....	450.00	Salary of druggist and nurse .....	200
Salary of first matron .....	240.00	Salary of physician .....	200
Salary of second matron .....	240.00	Salary of chaplain .....	150
Salary of first monitor .....	240.00	Maintenance .....	10,987.50
Salary of second monitor .....	240.00	Fuel .....	250
Salaries of two monitresses for girls .....	311.10	Books and slates .....	100
Salaries of three monitresses for small boys .....	466.65	Medicine .....	150
Salary of sick nurse .....	155.55	Postage and express .....	100
Salary of engineer, electrician and plumber .....	450.00	Discharge and transportation .....	697
Salary of assistant engineer .....	300.00	Literature and library .....	75
Salary of night watchman .....	150.00	Contingent expenses .....	150
Salary of floral gardener .....	150.00	Expenses, penitentiary board .....	150
Salary of farmer .....	120.00	Farm implements .....	300
Salaries of two laborers .....	240.00	Teams and wagons .....	3,000
Salary of foreman of laundry .....	240.00	Seats and furniture for chapel .....	200
Salaries of five assistant laundresses .....	600.00	Provided, that the products and labor of said Reformatory are hereby appropriated in part payment of the above appropriation, the remainder to be paid out of the general revenue; provided further, that the Superintendent of the Reformatory is hereby required to rent sufficient land to keep all inmates employed.	
Salary of baker .....	240.00	CONFEDERATE HOME.	
Salary of chief cook .....	240.00	Maintenance of inmates .....	16,212
Salaries of three assistant cooks .....	450.00	Salary of Superintendent .....	750
Salaries of two chambermaids .....	240.00	Salary of surgeon .....	600
Salaries of six dining room girls .....	520.00	Salary of storekeeper and accountant .....	350
Supplies, provisions and miscellaneous .....	10,291.53	Salary of chief cook .....	240
Water, electric lights and power .....	1,250.00	Salaries of two assistant cooks .....	240
Furniture and furnishing .....	500.00	Salaries of four waiters at \$90 each .....	360
Clothing and transportation of indigents .....	1,400.00	Salary of chief cook at hospital .....	180
Art material .....	50.00	Salary of one assistant cook .....	120
Salaries of board of trustees, including mileage .....	180.00	Salary of druggist .....	270
Tables, table linen and cutlery .....	150.00	Salary of hospital matron .....	200
		Salary of matron of main dining room .....	200
		Salaries of four nurses at hospital at \$144 each .....	576
		Salary of laundress .....	125

Salaries of two assistants at \$90 each .....	\$ 180
Literature .....	75
Medicine and hospital stores, whisky, wines, etc. (provided whisky and wine shall be used only as medicine.....)	500
Transportation for inmates....	100
Salary of carpenter, plumber and painter .....	300
Salary of one yardman.....	120
Furniture .....	250
General repairs and painting..	250

## QUARANTINE DEPARTMENT.

For State health officer's salary and traveling expenses, including postage, telegraph and telephone; for maintenance of permanent quarantine stations at Galveston, Sabine Pass, Velasco, Aransas Pass, Cavallo, Brownsville, Laredo, Eagle Pass and El Paso, for guard at Corpus Christi Pass and for guarding the State line at other places against infectious diseases as may become necessary from time to time; and for necessary repairs to State's property.....	23,950
Fumigating plant, including fumigating vessel at Galveston, to be expended within the next two years, to be purchased by the Governor or under his immediate direction, he being responsible for such purchase .....	25,000
For repairing residence for quarantine officer at Galveston, to be under the immediate direction of the Governor.	5,000

## DEAF, DUMB AND BLIND ASYLUM FOR COLORED YOUTHS.

Salary of Superintendent.....	750
Salary of principal teacher....	262.50
Salaries of three class-room teachers and one music teacher .....	700
Salary of shoemaker.....	175
Salary of seamstress .....	110
Salary of matron.....	180
Salaries of laundress and one assistant .....	210
Salary of oculist .....	175
Salary of night watchman.....	150
Salary of engineer and plumber.	250
Salary of preceptress.....	105
Salaries of cook and assistant..	250
Salary of farmer and gardener.	150
Salary of monitor.....	105
Salary of assistant matron and poultry raiser .....	87.50
Stationery, postage and printing .....	37.50

Clothing for indigent pupils...\$	225
For groceries and miscellaneous, including pay of members of the board and mileage .....	1,490
Repairs and general improvements .....	150
To build a new boiler house, put in a new boiler, and attach laundry, bath rooms coal shed, and also for general improvements .....	6,000
Apparatus .....	62.50
Furniture .....	125

## SAM HOUSTON NORMAL SCHOOL.

For support and maintenance..	7,500
For library, apparatus, repairs and improvements .....	1,000

## SOUTHWEST TEXAS NORMAL SCHOOL AT SAN MARCOS.

For preservation of grounds and buildings belonging to said school .....	300
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## STATE PENITENTIARIES.

For conveying convicts to the penitentiaries and Reformatory .....	10,000
Traveling expenses of Superintendent .....	250
Penitentiary library .....	125
All proceeds of convicts, and in addition thereto, for making up deficiencies in monthly expenses, and to purchase material to carry on prison industries .....	20,000

## PRAIRIE VIEW NORMAL SCHOOL.

To pay for support of 159 students, balance of said amount to be collected from said students; one of said students to be appointed by each Senator, and one by each Representative; provided, the students appointed hereunder shall supersede in place of forty-six State students provided for in Article 3886 of the Revised Statutes of the State of Texas. ....	5,800
For maintenance of agricultural and mechanical department .	735
For maintenance of girls' industrial department .....	135
For repairs and painting houses	500
For books, stationery and for postage and printing.....	150
To purchase boiler and engine for laundry department ....	800
For telephone line from Hempstead to Prairie View Normal School .....	750

For safe and office furniture...	\$ 250
For erecting kitchen and store room .....	2,000
All the proceeds of the sales of the farm and dairy products, separate stock and worn out property are hereby appropriated to maintain and support said institution.	
To purchase three sewing machines .....	90

## AGRICULTURAL AND MECHANICAL COLLEGE.

To purchase hospital fixtures, including bedsteads, tables, blankets, mattresses, matings, rugs, comforts, spreads, sheets, chairs, gasoline stoves and refrigerator .....	1,000
To put in electric light and ice plant (and the board of directors are authorized to exchange machinery now in use in part payment of new) ...	17,000
Dwellings .....	3,000
Completion of equipment of agricultural and horticultural building .....	3,000
Support and maintenance, general revenue .....	10,000
Students' labor fund and general revenue .....	2,000
For support of experiment station at Beeville .....	1,250
General repairs of building and improvement of ground .....	1,000
New boiler for power house....	1,500

In addition to the above the interest on \$209,000 of State bonds held by the Agricultural and Mechanical College fund is hereby appropriated for the support of this institution; provided, that the board of directors of the Agricultural and Mechanical College of Texas shall include in their reports the number and salaries of the faculty and employes of the Agricultural and Mechanical College and of the Prairie View Normal School, and the receipts and expenditures, itemized, of each of these institutions, in the same manner as the law requires the board of regents to report the salaries and number of faculty and employes and receipts and expenditures of the University of Texas.

All the proceeds of the sales of the farm and dairy products, surplus stock and worn out property are hereby appropriated to maintain and support said institution.

## FISH AND OYSTER COMMISSION.

Salary of Commissioner.....	900
Office rent, traveling and other expenses of Commissioner....	300

## STATE PURCHASING AGENT.

Salary of Agent from August 28, 1901, to August 31, 1901, inclusive .....	\$ 22
Salary of clerk from August 28, 1901, to August 31, 1901, inclusive .....	11
Salary of one additional clerk.	450
Office furniture and expenses...	250
Contingent expenses .....	200

## STATE ENTOMOLOGIST.

Salary of entomologist, and necessary help and contingent expenses .....	2,000
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## ADJUTANT GENERAL'S DEPARTMENT.

Salary of Adjutant General...	1,000
Salary of chief clerk.....	600
Salary of porter, messenger and armorer .....	180
Stationery, postage and telegraphing .....	300
Incidental expenses .....	25
Handling and transportation of ordnance, stores and quartermaster's supplies, labor in arsenal, and repairs to arms, and inspection of arms and troops .....	750
For the maintenance and support of the ranger force in the suppression of lawlessness and crime .....	16,920
Payment of transportation and subsistence and for services of the Volunteer Guard when called into active service under the law, and for transportation and subsistence of Volunteer Guard for camps of instruction, and for all other military expenses ....	5,000
To purchase typewriter; provided, that the Adjutant General has the authority to exchange old machine in part payment.	50

## LIVE STOCK SANITARY COMMISSION.

Maintenance of Live Stock and Sanitary Commission .....	4,000
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## PUBLIC PRINTING.

Public printing for 1st, 2nd and 3rd class printing and binding, and for printing papers for 1st, 2nd and 3rd class of public printing .....	10,000
For advertisements for State business .....	250
For salary of Expert Printer and Secretary of Printing Board .....	750

## PUBLIC BUILDINGS AND GROUNDS.

Salary of Superintendent.....\$	1,000	industrial manager of the Orphans' Asylum for 1899 and 1901 .....	\$ 1,000
Salary of bookkeeper and extra watchman .....	450	To pay Jink Evans' salary as trustee of State Orphans' Asylum from March 1, 1897, to February 28, 1899.....	120
Salary of engineer and electrician .....	600	To pay Jink Evans' salary as industrial manager State Orphans' Asylum from March 1, 1897, to February 28, 1899.	250
Salary of assistant engineer....	450	To pay J. E. Lankford, of Hunt county, Texas, fees and expenses for carry attached witnesses from Commerce, Texas, to Cooper, Texas, under order of the district court.....	17.35
Salaries of four watchmen....	1,320	To pay W. M. Coldwell, of El Paso, Texas, for sixteen days service as special judge in the district court of El Paso county in Cause No. 1533, W. C. Wellington vs. The Southern Pacific Company, on the 14th, 15th, 16th, 17th and 18th and on the 22nd and 23rd days of February, 1895; and on the 21st, 22nd, 24th and 25th days of June, 1895, and on the 29th and 30th days of March, 1895, and on the 2nd, 3rd and 30th days of December, 1895, at \$6.84 per day .....	109.44
Salaries of two firemen.....	600	To pay Brazelton & Johnson, for supplies furnished the House of Correction and Reformatory from July 14, 1898, to January 18, 1899.....	40.21
For traveling and other expenses of Superintendent .....	150	To pay Sasse & Powell account for supplies furnished House of Correction and Reformatory from September 1, 1898, to December 4, 1898.....	11.70
Salaries of six cleaners.....	1,080	To pay L. H. Stall for conveying attached witness from Wellington, Collingsworth county, to Quanah, in Hardeman county, in October, 1900.	14.60
Salary of elevator man.....	360	To pay Mrs. Mary J. Jones excess of purchase money on Survey No. 10, Certificate No. 529, B. B. B. and C. R. R. Co., containing 640 acres of land, in Callahan county.....	20.85
Salary of carpenter and plasterer .....	450	To pay J. V. Cunningham, fees and expenses for conveying Harvey Ray, an attached witness, from Abilene, Taylor county, to Comanche, Comanche county, on 9th day of February, 1900, under order of the district court.....	20.40
Salary of two drivers at \$30 each .....	360	To pay J. V. Cunningham for conveying L. F. Conner, an attached witness, from Merkel, Taylor county, Texas, to	
Labor on capitol grounds and keeping sewer in repair.....	2,500		
Keeping cemetery grounds.....	150		
Headstones for Confederate veterans buried in the State cemetery .....	150		
Headstones for Texas veterans buried in the State cemetery.	50		
Water, light, fuel and contingencies .....	6,000		
Oil and waste for engines, dynamos and steam pumps, drawing paper and stationery....	200		
Feed for teams .....	125		
For purchasing a pair of mules or horses, wagon and harness	350		
Tools .....	50		
New machinery; provided, that the Superintendent, with the consent of the Governor, is authorized to exchange or sell the old machinery in part payment for new machinery, to be deducted from the amount herein appropriated..	7,500		
To build addition to stable....	250		
Pipe and fittings .....	1,000		

## MISCELLANEOUS.

To pay refund of liquor dealer's license, for two years ending August 31, 1901.....	2,530.39		
To pay J. R. Wilson, ex-clerk district court of Bowie county, Texas, 5 per cent. commission on judgment for \$5000 in favor of the State of Texas vs. Texarkana & Fort Smith Railroad Company, recovered in the district court of Bowie county, Texas .....	250		
To pay Lea Beaty for warrant issued for four days services as a member of the Special Session of the Twenty-sixth Legislature, but never paid because appropriation was exhausted .....	20		
To pay Jink Evans' salary as			

Roby, in Fisher county, under order of the district court, March 2, 1900.....\$	10.75	To pay W. S. Gabriel for salary due him as court stenographer Supreme Court of Texas from February 1, 1896, to October 15, 1898.....\$1,432.25	
To pay John S. Craighead for expenses and fees in conveying attached witness from Fairview, Wilson county, to Austin, Travis county, on the 15th day of June, 1898.....	24.30	For the purpose of having executed in marble the plaster casts of Sam Houston and Stephen F. Austin, donated to the State of Texas by Elizabet Ney; provided, the Governor is hereby authorized to contract with Elizabet Ney for such work and is authorized to place such statues in the capitol of the State; and provided further, that this appropriation shall not lapse but two years.....	8,000
To pay John S. Craighead for expenses and fees in conveying attached witness from Fairview, in Wilson county, to Austin, in Travis county, on the 15th day of June, 1898.....	5.35	To pay A. Parker, county surveyor of El Paso county, for making field notes of about 2,000,000, surveyed by him in El Paso county.....	1,000
To pay L. H. Crooks, of Titus county, for holding inquest of Ed Rosseau and S. F. Wolf, State convicts, at \$5.00 each.....	10	For making copies of said field notes for General Land Office.....	900
To pay John B. Reagan, sheriff of Cherokee county, for services rendered the State in the case of State of Texas vs. Wall and others, charged with murder, in district court of San Augustine county, Texas.....	116.90	Provided, said two amounts to be paid out under the direction of the Commissioner of the General Land Office and out of the funds which were benefited by said work.	
To pay A. B. McDowell for expenses and fees in conveying attached witness from Edna, in Jackson county, to San Marcos, in Hays county, on the 3rd day of March, 1900..	27.85	Sec. 2. All buildings for the erection and equipment of which appropriations have been made under this act, and all improvements of and repairing of any public building shall be erected and made under the direction, management and supervision of honest and competent architects, who shall be appointed by the Governor, and whose salary shall be deducted from the respective appropriations made for such purposes; and it shall be unlawful for the Comptroller of Public Accounts to issue any warrants on the treasury, and for the Treasurer to pay any such warrants for the erection of any of the public buildings herein provided for, or for any such improvements of or repairing to any public building except upon an itemized statement of such expenditures, approved by the Governor, which itemized statement shall be filed and kept by the Comptroller for public inspection; and provided further, that a duplicate certified copy of the plans, specifications and estimates used in the erection or improvement of any of said buildings shall be filed with and kept by the Secretary of State in his office for public inspection.	
To pay H. B. Gibbs, sheriff of Mason county, for expenses and fees in conveying three attached witnesses by special order of court from Mason county to Fredericksburg, in Gillespie county, on the 21st of September, 1899.....	36	Sec. 3. Provided, however, that with the exception of the appropriation made for the account of the State penitentiaries and Assistant Attorney General, that the Comptroller of Public Accounts is hereby instructed to draw no warrant	
To purchase a portrait of General Lorenzo DeZavala, first Vice-President of the Republic of Texas, and that said picture be hung in the Senate Chamber on the right of the President's chair.....	500		
For fencing and beautifying San Jacinto battle grounds, to be expended under the direction of the Governor.....	1,000		
To pay the claim of W. T. Coon for money paid into the treasury through mistake in the purchase of northeast quarter of Section 312, Certificate 20/177.....	8.60		
To pay claim of Thomas Windham for money paid into treasury as a payment on Survey No. 130, G. H. & H. Ry. land in Callahan county, and erroneously applied to the payment on Survey No. 130, H. & T. C. Ry. Co. in Eastland county.....	150		

against any appropriation made for the various State institutions and departments of this State unless an itemized statement, under oath, be filed as a voucher in office of said Comptroller.

Sec. 4. It is hereby required of each and every institution of this State to keep an itemized account and record of all moneys received from sales of all property, products, animals and leases of property; and the managers, presidents and superintendents of all such institutions shall cause to be made semi-annually to the Comptroller of Public Accounts an itemized statement, showing all such sales and moneys received therefrom and from such leases; provided, that the Superintendent of Penitentiaries and the Regents of the University shall not be required to do more than is at present provided by law, and they are exempt from the operation of this section.

Sec. 5. The fact that there is no appropriation for the support of the State government from March 1, 1901, to August 31, 1901, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect from and after its passage, and it is so enacted.

#### RECAPITULATION.

Executive department .....	\$ 13,306.64
Mansion and grounds .....	2,218.54
State department .....	6,375.00
Treasury department .....	49,738.35
Comptroller's department ..	29,937.50
General Land Office .....	40,487.50
Attorney General's department .....	11,581.00
Department of Education ..	8,810.00
Railroad Commission .....	15,255.00
Department of Agriculture, Insurance, Statistics and History .....	5,399.00
University of Texas .....	105,563.00
Supreme Court .....	10,110.00
Court of Criminal Appeals ..	10,515.00
Court of Civil Appeals, First District .....	7,100.00
Court of Civil Appeals, Second District .....	6,100.00
Court of Civil Appeals, Third District .....	5,975.00
Court of Civil Appeals, Fourth District .....	6,100.00
Court of Civil Appeals, Fifth District .....	6,475.00
Judiciary .....	275,500.00
Pensions .....	20,000.00
Public debt .....	112,157.50
Actual deficiencies .....	53,691.56
State Orphan Asylum .....	21,341.33
State Lunatic Asylum .....	71,388.85

Southwestern Insane Asylum .....	\$ 53,375.25
North Texas Insane Asylum ..	90,895.65
Blind Asylum .....	23,090.31
Deaf and Dumb Asylum .....	32,465.09
House of Correction and Reformatory .....	22,789.50
Confederate Home .....	22,198.00
Quarantine Department .....	53,950.00
Deaf, Dumb and Blind Asylum for Colored Youths ..	16,975.00
Sam Houston Normal Institute .....	8,500.00
San Marcos Normal School ..	300.00
State penitentiaries .....	30,375.00
Prairie View Normal .....	11,210.00
Agricultural and Mechanical College .....	39,750.00
Fish and Oyster Commission .....	1,200.00
State Purchasing Agent .....	933.00
State Entomologist .....	2,000.00
Adjutant General's Department .....	28,825.00
Public Printing .....	11,000.00
Public Buildings and Grounds .....	25,145.00
Miscellaneous .....	17,526.74

Grand total .....\$1,387,539.31

#### EXTRA JOURNALS—RESOLUTION ORDERING.

Senator Turney offered the following resolution:

Resolved, That 200 extra copies of today's Journal be printed for the use of the Senate and House of Representatives. Resolution was read second time, and adopted.

#### HOUSE BILL NO. 379—ON SECOND READING.

On motion of Senator Grinnan, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 379, A bill to be entitled "An Act to amend Article 4365 of the Revised Civil Statutes of the State of Texas, and to validate all charter amendments in accordance with this article as amended."

On motion of Senator Grinnan, the Senate rule requiring committee reports to lay over for one day was suspended for the purpose of considering the bill on its second reading.

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

#### RECESS.

On motion of Senator Turney, the Sen-



ate recessed until 9:30 o'clock a. m. Monday, April 8th.

#### AFTER RECESS.

(Lieutenant-Governor Browning in the chair.)

#### USE OF SENATE CHAMBER—RESOLUTION GRANTING.

Senators Grinnan and Potter offered the following resolution:

Resolved, That the Senate do grant the use of the Senate Chamber to the Texas Veterans' Association and Daughters of the Republic of Texas for their sessions during their annual reunion April 20, 21 and 22.

Resolution was read second time, and adopted.

#### SENATE BILL NO. 169—PENDING BUSINESS, PENDING ON SECOND READING.

The Chair here laid before the Senate pending business, on its second reading,

Senate bill No. 169, A bill to be entitled "An Act to amend Article 467, Chapter 4, Title XVIII, Revised Statutes, 1895, with reference to the issuance of bonds by cities and towns; the creation of a fund to pay interest, and to provide a sinking fund to redeem said bonds; to provide for the proper investment of the sinking fund, to prescribe the duties of the city treasurers with reference to said funds, and to provide an emergency."

Senator Patterson made the point that no quorum was present, and the roll was called to determine the same, the following Senators answering to their names:

#### Present—27.

Beaty.	Odell.
Davidson of	Patterson.
Galveston.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
Hanger.	Sebastian.
Harris of Bexar.	Stafford.
James.	Staples.
Johnson.	Swann.
Lipscomb.	Turner.
Lloyd.	Turney.
McGee.	Wayland.
Miller.	Wheeler.
Neal.	Wilson.

#### Absent—1.

Harris of Hunt.

#### Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

A quorum was announced present.

#### SUBSTITUTE HOUSE BILL NO. 31—FREE CONFERENCE COMMITTEE REPORT ADOPTED.

Senator Turney called up from the table the Free Conference Committee report on Substitute House bill No. 31 (appropriation bill, see above), and moved that the same be adopted.

The report was read, and adopted.

#### HOUSE BILL NO. 14—ON SECOND READING.

On motion of Senator Savage, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 14, A bill to be entitled "An Act to amend Article 336, Chapter 3, Title IX, of the Penal Code of the State of Texas, relating to affrays and disturbances of the peace."

The Chair laid the bill before the Senate on its second reading.

Bill was read second time, and

Senator Savage offered the following amendment:

"Strike out in line 27 the words 'or on or across any public road.'"

Amendment was read, and adopted.

Senator Savage offered the following amendment:

"The fact that there is now no sufficient law on this subject, and the near approach of the end of the session, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Amendment was read, and adopted.

The bill was then passed to a third reading.

On motion of Senator Savage, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

#### Yeas—21.

Beaty.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Hanger.	Sebastian.
Harris of Bexar.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wheeler.
McGee.	Wayland.
Miller.	Wilson.

#### Nays—1.

Grinnan.

#### Absent.

Dibrell.

Harris of Hunt.

Neal.  
Odell.

Patterson..  
Stafford.

Absent—Excused.

Davidson of Goss.  
DeWitt. Yett.

Bill was read third time, and passed.  
Senator Savage moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 379—ON THIRD READING.

On motion of Senator Miller, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 379, A bill to be entitled "An Act to amend Article 4365 of the Revised Civil Statutes of the State of Texas, and to validate all charter amendments in accordance with this article as amended."

The Chair laid the bill before the Senate, on its third reading.

Bill was read third time.

(Senator Turner in the chair.)

Bill was then passed.

Senator Miller moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### FIRST HOUSE MESSAGE.

The following first House message was here delivered to the Senate:

Hall of the House of Representatives.  
Austin, Texas, April 8, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 288, A bill to be entitled "An Act to amend Article 276, Title XII, Chapter 1, of the Revised Statutes of 1895, so as to include the Fifty-first District in the list of those which elect a district attorney."

The House refuses to concur in Senate amendments to Substitute House bill No. 97, and asks the Committee of a Free Conference Committee, and appoints Messrs. Moran, Gray of Comanche, Glenn, Terrell of McLennan and Ellis on the part of the House.

Also the House has concurred in Senate amendments to House bill No. 484.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### SENATE BILL NO. 288—HOUSE AMENDMENTS CONCURRED IN.

Senator Turney called up from the table, where it lay with House amendments,

Senate bill No. 288, A bill to be entitled "An Act to amend Article 276, Title XII, Chapter 1, of the Revised Statutes of 1895, so as to include the Fifty-first District in the list of those which elect a district attorney,"

And moved that the Senate concur in the following House amendment:

"The near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative necessity that the rule requiring bills to be read on three several days be suspended, and the rule is hereby suspended."

The motion prevailed by the following vote:

Yeas—24.

Beaty.	Neal.
Davidson of Galveston.	Odell.
Dibrell.	Patterson.
Grinnan.	Paulus.
Hanger.	Potter.
Harris of Bexar.	Stafford.
James.	Staples.
Johnson.	Swann.
Lipscomb.	Turner.
Lloyd.	Turney.
McGee.	Wayland.
Miller.	Wilson.

Absent.

Harris of Hunt.	Sebastian.
Savage.	Wheeler.

Absent—Excused.

Davidson of Goss.
DeWitt. Yett.

#### FIRST EXECUTIVE MESSAGE.

The following first executive message was here delivered to the Senate:

EXECUTIVE OFFICE,  
STATE OF TEXAS.

To the Senate:

The advice and consent of the Senate is asked to the appointment as notaries public of the persons whose names appear in the accompanying list.

JOSEPH D. SAYERS,

Governor.

#### THIRD SUPPLEMENTAL LIST OF NOTARIES.

BANDERA COUNTY.

Bandera—J. A. Currie.
Medina—W. J. Montgomery.
Tarpey—W. J. Prickett.

Pipe Creek—Jas. Storms.  
Lima—T. H. Phillips.  
Utopia—J. A. Anglin.

## BEXAR COUNTY.

San Antonio—J. E. Thoman, Harry E. Stafford.

## BOWIE COUNTY.

Texarkana—S. J. Henry.

## COLLIN COUNTY.

Copeville—John K. Smith.  
Murphy—Ed. R. Dickerson.

## EASTLAND COUNTY.

Cisco—B. W. Patterson.

## FALLS COUNTY.

Chilton—J. C. Eakin.

## HARRIS COUNTY.

Houston—J. A. Read, Chas. T. Bennett.

## HARRISON COUNTY.

Marshall—P. M. Young.

## JEFFERSON COUNTY.

Beaumont—Jas. V. Polk, Pearl Norsworthy, Geo. C. Greer, J. A. Dunkin, W. E. Miller.

Buttfield—F. H. Patrick.

## KERR COUNTY.

Center Point—Alonso Rees, R. H. Storms.

Kerrville—L. A. Schreiner, A. C. Schiller—Fred Hofheinz.  
Mountain Home—W. D. Harbison.

## KENDALL COUNTY.

Comfort—William Neunhoffer, Theo. Wiedenfeld, R. M. Flack, Paul G. Villarret.

Boerne—H. J. Graham, J. C. McFarland.

Sisterdale—Fr. Fischer.  
Schiller—Fred Hofheinz.  
Waring—Geo. C. Robinson.

## MITCHELL COUNTY.

Colorado—Ben Randals.

## KENT COUNTY.

Clairemont—A. R. Floyd.

## ORANGE COUNTY.

Orange—W. J. Wingate.

## ROBERTS COUNTY.

Miami—W. L. Childress.

## PARKER COUNTY.

Weatherford—W. L. Tucker.

## ROBERTSON COUNTY

Wheelock—Henry Mitchell.

## TARRANT COUNTY.

Fort Worth—Blanche W. Henderson, W. M. Massie, D. W. Smith, J. E. Eggleston.

## WASHINGTON COUNTY.

Brenham—W. R. Ewing.

## WEBB COUNTY.

Laredo—A. C. Hamilton, Geo. B. Hufford, D. T. Roy, M. R. Pace.

## WOOD COUNTY.

Coke—J. J. Lloyd, L. F. Lloyd.

## YOUNG COUNTY.

Graham—D. C. Atkinson, R. H. Hollingsworth, R. C. McPhail, John C. Kay, J. L. McDanal, P. A. Martin.

Markley—G. T. Brown.  
Goosneck—A. J. Wheat.  
Elesville—W. H. Ardis.  
Proffett—J. W. Proffett.  
Olney—G. W. Hutchins.  
Belknap—G. T. Wood.  
Fannin—A. H. Wilson.  
South Bend—A. O. McBrayer.

## DALLAS COUNTY.

Dallas—Marion M. Thompson, John A. Gulick, D. A. Robinson.

## TRAVIS COUNTY.

Austin—W. J. J. Terrell.

## ELLIS COUNTY.

Ennis—J. L. Clarke.

## JOHNSON COUNTY.

Cleburne—S. B. Norwood, N. H. Wells, Oscar E. Poole.

## RED RIVER COUNTY.

Isoaca—Miss Ida Lysingby.

## HOUSE BILL NO. 436—ON SECOND READING.

Senator Staples moved that the pending order of business (Senate bill No. 169), be suspended, and the Senate took up out of its order,

House bill No. 436, being a bill to be entitled "An Act to regulate the hours of daily services of laborers, workmen and mechanics employed upon the public works or of work done for the State of Texas, and providing contract stipula-

tions therefor, and fixing penalties for the violation of the provisions of this act."

Motion to suspend pending business prevailed by the following vote:

Yeas—20.

Davidson of Galveston.	Odell.
Grinnan.	Paulus.
Harris of Bexar.	Potter.
James.	Savage.
Johnson.	Stafford.
Lipscomb.	Staples.
Lloyd.	Swann.
McGee.	Turner.
Miller.	Wheeler.
Neal.	Wilson.

Nays—5.

Beaty.	Patterson.
Dibrell.	Turney.
Hanger.	

Absent.

Harris of Hunt.	Wayland.
Sebastian.	

Absent—Excused.

DeWitt.	Goss.
Davidson of	Yett.

Senator Dibrell called for a printed copy of the bill, and inasmuch as the Committee recommended that the bill be not printed, he moved that portion of the report be rejected.

Motion to reject was lost.

The Chair (Senator Turner), laid the bill before the Senate on its second reading.

Bill was read second time.

(Lieutenant-Governor Browning in the chair.)

#### NOTARIES PUBLIC—EXECUTIVE SESSION TO ACT UPON.

The Chair here announced the arrival of the hour of 10:30 o'clock a. m., the time set for the Senate to go into executive session for the purpose of acting upon the notaries public sent to the Senate by his Excellency, the Governor (see foregoing Records for lists), and, accordingly, the chamber was cleared.

#### AFTER EXECUTIVE SESSION—NOTARIES CONFIRMED.

In executive session the Senate passed upon, and confirmed the notaries sent to the Senate by his Excellency, the Governor.

(FOR LIST OF NOTARIES CONFIRMED, SEE APPENDIX "A" TO JOURNAL.)

55—Senate.

#### COMMITTEE REPORTS.

(After executive session—by unanimous consent).

Committee Room,  
Austin, Texas, April 8, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

House bill No. 76, being a bill to be entitled "An Act to amend Article 5080, Chapter 2, Title CIV, of the Revised Civil Statutes of the State of Texas, by adding a new Article, to be known as Article 5080a,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and we further recommend that same be not printed.

DIBRELL, Chairman.

Committee Room,  
Austin, Texas, April 8, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Roads, Bridges and Ferries to whom was referred

House bill No. 409, being a bill to be entitled "An Act to aid Brazoria county, Texas, by supplementing the road and bridge fund by donating and granting to it the State ad valorem and occupation taxes, collected upon property and persons in said county, for a period of two years, and providing for a proper transfer to said fund."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

MILLER, Chairman.

Committee Room,  
Austin, Texas, April 8, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred,

House bill No. 390, being a bill to be entitled "An Act requiring railroads to provide suitably equipped flat cars for the shipment of lumber, timber and sugar cane; to furnish such cars, when requested to do so, to shippers, and on failure to do so, authorizing the shipper to suitably equip such cars as are furnished and to recover the value of such equipment before any court of competent jurisdiction in this State."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommenda-

tion that it *do* pass, and bill be not printed.

Floor report.

POTTER, Chairman.

NOTARIAL PUBLIC LIST—SECRETARY OF SENATE ALLOWED TIME TO PREPARE.

On motion of Senator Stafford, the Secretary of the Senate was allowed until Saturday of this week in which to prepare a true and correct list of the notaries confirmed in this morning's executive session, and report the same to His Excellency, the Governor.

HOUSE BILLS SIGNED BY THE PRESIDENT.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

House bill No. 347, "An Act to incorporate the city of Austin; to grant it a new charter, and to fix its boundaries."

House bill No. 537, "An Act to create a more efficient system for Karnes county."

House bill No. 387, "An Act to amend and extend the special road law of Wise county, as enacted by the Twenty-fifth Legislature of the State of Texas, so that Sections 6, 12, 13, shall hereafter read as herein provided, and that other sections be added as herein specified."

House bill No. 385, "An Act to define public warehousemen and public warehouses, and to regulate the business of public warehousemen, public warehouses, and the issuance of public warehouse receipts, and to define and punish violations of this act."

House bill No. 325, "An Act to amend Chapter 168 of the General Laws of the State of Texas, passed by the Regular Session of the Twenty-sixth Legislature, and approved June 15, 1899, entitled a bill to be entitled 'An Act to render more effective and efficient the present road law of the State of Texas, in its application and operation in the counties of Calhoun and Victoria, and to authorize and empower said counties to issue bonds for the construction and maintenance of public roads and highways within said counties,' by adding the counties of Jefferson and Bee thereto."

House bill No. 35, "An Act to create and establish an industrial institute and college in the State of Texas for the education of white girls in the arts and sciences."

House bill No. 69, "An Act to amend Article 4998, Title CII, Chapter 5, of the Revised Civil Statutes of the State of Texas."

House bill No. 89, "An Act to create, establish and maintain a branch asylum

or home for the care, treatment and support of idiots and imbeciles of this State, and to make an appropriation therefor."

House bill No. 98, "An Act to amend Section 6, Chapter 11, Acts of the Twenty-sixth Legislature, passed at the First Called Session, known as S. S. B. No. 2, and approved February 23, 1900, relating to the sale of unsurveyed school land."

House bill No. 303, "An Act to amend Article 918a, Chapter 14a, Title XVII, of the Penal Code of the State of Texas, regulating the filling of bottles with compounds or defacing in any way the mark or device on bottles, syphons or other containers."

House bill No. 224, "An Act to incorporate the city of Galveston, and to grant it a new charter; and to repeal all pre-existing charters."

Substitute House bill No. 261, "An Act to provide for the extension and enlargement of the iron pipe manufactory in the State penitentiary at Rusk, Texas; authorizing and directing the Penitentiary Board to purchase timber or timbered lands, and iron ore, or lands containing deposits of iron ore sufficient to supply the charcoal and iron ore necessary to run and operate the iron smelting furnace and pipe works, situated in said penitentiary, to their full capacity, as herein provided, and on full time for not less than five years from the date of this act; providing for conducting experiments and tests at the State iron smelting furnace in said penitentiary, in the use of lignite and brown coal as fuel in the smelting of iron; prescribing by whom said tests shall be made, and if such tests prove successful, directing the Penitentiary Board to contract for and provide such quantity of lignite for the use of such smelting furnace and iron manufactories as may be necessary for their use and consumption thereafter; providing for the appointment of a general manager of the iron industry of the Texas penitentiary, and prescribing his qualifications, powers, duties and compensation; and prescribing certain duties of the superintendent of penitentiaries in relation to said iron industry and its general manager; and making an appropriation therefor."

House bill No. 378, "An Act to create a more efficient road system for Nacogdoches county, Texas, and making the county commissioners of said county ex-officio road commissioners and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for working of county convicts upon the public roads of said county, and pro-

viding for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict; and providing the amount of compensation to be allowed to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; providing for the working of delinquent poll tax payers residing in cities and towns as well as in the country on the roads, and relieving them from the performance of said work by the payment of the sum of four dollars; providing for the ages of male persons liable to serve as road overseers and to work on the public road of the county; providing for a special road and bridge tax to be levied for Nacogdoches county; and providing further, making this law cumulative of the general laws, and in case of conflict this act to govern as to Nacogdoches county, Texas; and to repeal special road law, Chapter 54, Acts 1891, Twenty-first Legislature, as to Nacogdoches county, and declaring an emergency."

House bill No. 136, "An Act to provide relief for purchasers of school lands in Wharton county by relieving such purchasers of the payment of principal and interest for a period of five years."

House bill No. 296, "An Act to amend Articles 575 and 576, of Chapter 6, Title XIV, of the Penal Code of the State of Texas, relating to public weighers, and to persons weighing for the public, and to punish such persons using false balances or instruments for weighing and for fraudulently giving a wrong weight or certifying to a wrong weight, and to prescribe a penalty for violating same."

House bill No. 405, "An Act to amend Chapter 118, Acts of 1897, providing a more efficient road system for Milam county, Texas."

House bill No. 250, "An Act to create a more efficient road system for the counties of this State, and making county commissioners ex-officio road commissioners, and prescribing their powers and duties as such, and providing for their compensation as such road commissioners, and providing for the condemning of material for the construction and maintenance of public roads, and to provide for the compensation for the material used, and providing for the working of county convicts on the public roads and the purchase of supplies for such convicts, and rewards for the capture of escaped county con-

viets, and for commutation of sentence for faithful service and good behavior, and defining the powers and duties of road overseers, and to provide for the summoning of hands and teams for road work, and the allowance for time for service of hands and teams on public roads, and fixing a penalty for violation of same, and relieving them from the performance of such work by the payment of three dollars, and providing further, making this act cumulative of the general laws now in force, and to repeal all laws in conflict with this act, and declaring an emergency."

House bill No. 429, "An Act to create a more efficient road system for Van Zandt county."

House bill No. 218, "An Act to amend Chapter 113, Section 1, Acts of the Twenty-fifth Legislature, Regular Session, by adding thereto a provision for the organization of independent school districts which may embrace in their territory portions of two or more counties."

House bill No. 522, "An Act to create a more efficient road system for Brazoria county, Texas; and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners and providing for the working of county convicts upon the public roads of said county, and providing for a penalty for the escape of county convicts; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams and road work, and providing for the condemnation of land for public road purposes; and providing for the working of delinquent poll tax payers on the public roads, and relieving road hands from the performance of road work by the payment of the sum of three dollars; and providing for election for issuance of bonds for bridge purposes; and providing for the making of this law cumulative of the General Laws, and in case of a conflict this act to govern as to Brazoria county, Texas, and creating an emergency."

House bill No. 526, "An Act to create a more efficient road law for Madison county, Texas."

House bill No. 189, "An Act to amend Article 4340, of Title XCII, of the Revised Statutes of Texas, relating to declaring quarantine in counties and cities, and maintaining and paying the expenses of the same." Also

House Concurrent Resolution No. 29, Authorizing the State Treasurer to send to the United States government authorities \$1774 in counterfeit money now in the possession of the State Treasurer.

SENATE BILL NO. 180—CALLED UP  
WITH HOUSE AMENDMENTS.

(Senator Turner in the chair.)

Senator Beaty called up from the table, where it lay with House amendments,

Senate bill No. 180, A bill to be entitled "An Act to amend Chapter 49, of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-sixth Legislature, and approved March 29, 1899, by adding thereto Sections 7, 8 and 9, and to provide a penalty for the violation of said sections."

SENATE BILL NO. 180—HOUSE  
AMENDMENTS.

"Amend by striking out all after the enacting clause and insert in lieu thereof the following:

"Section 1. That Chapter 49 of the General Laws passed at the Regular Session of the Twenty-sixth Legislature, and approved March 28, 1899, be amended by adding Sections 7, 8, 9 and 10.

"Section 7. That all wells drilled for the production of oil in this State shall be equipped with full-way gate valves securely attached to the outer or inner string of pipe reaching the oil bearing strata. And it shall be the duty of any person, firm, association of persons or corporation, owning or controlling such well or wells, to thus prepare and have ready for closing such valves before reaching the oil bearing strata.

"Section 8. It shall be the duty of all persons, firms, associations of persons, or corporations, immediately upon striking a flowing well of oil with their drill or boring appliances to close the valve and keep the same closed until they have arranged sufficient tankage to take care of the oil flowing from said well or wells; provided, that nothing in this act shall be construed to prevent the further sinking of any well for the purpose of securing a better flow of oil from said well.

"Section 9. It shall be unlawful for the owner or owners, lessee or receiver, of any oil well to allow the oil from such well to escape or flow uncontrolled; but it shall be the duty of such person, firm or association of persons or corporation to cause the oil flowing from such well to be conveyed to and confined in tanks prepared for that purpose. Such tanks shall be constructed of such material and in such manner as to securely hold the oil conveyed or flowed into same, which tanks, if constructed of earth, or in the earth, and unless covered with some material, shall not be more than one hundred feet in diameter at the top. And such tanks shall not be built or constructed nearer together than thirty-five

(35) feet. And provided further, that no such tank shall be built or constructed within one hundred (100) feet of any residence of any person, without the consent of the owner, lessee or tenant of said residence. Provided further, that it shall be the duty of the owner, lessee or receiver of any such tank to keep the premises surrounding such tank clear of grass, or other combustible material or substance for the space of one hundred feet. And provided further, that nothing in this section shall be construed so as to include or apply to any oil which necessarily escapes or is lost in the finishing of the well.

"Section 10. Any person or persons who shall knowingly and willingly violate any of the provisions of Sections 7, 8 and 9 hereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than five hundred dollars or more than two thousand dollars; and any corporation, its officers, agents, servants or employes who violates any of the terms and provisions of said sections, such corporation shall forfeit its charter and right to do business in this State, and in addition thereto shall pay to the State a penalty of not less than five hundred dollars, or more than two thousand dollars, to be recovered by a suit in any court of competent jurisdiction, and each day any person, persons or corporation violates any of said provisions shall be a separate offense; and it is hereby made the duty of any county or district attorney, or the Attorney General of the State of Texas, to enforce the provisions of this act.

"Whereas, there is now no law which compels the restraining and controlling of oil from flowing wells; and whereas, the recent fires at Beaumont demonstrate the great danger to life and property from the oil in the region where oil is found in flowing quantities; and whereas, the crowded condition of the calendar renders it uncertain whether this bill could be reached on regular call, therefore the emergency and imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be put upon its third reading and final passage, therefore said constitutional rule is hereby suspended, and that this bill be in force from and after its passage, and it so enacted."

SENATE CONCURRENT RESOLUTION  
NO. 15—ADOPTED.

Pending action on the foregoing,  
Senator Miller offered the following concurrent resolution:

Senate Concurrent Resolution No. 15:

Whereas, The citizens of Texas from the years 1858 to 1876 suffered great losses at the hands of the Indians, against whom they were not afforded protection by the presence of Federal troops; and,

Whereas, These losses fell upon that portion of our citizens who were on the frontier, and were extending the civilization and settlement of the State; and,

Whereas, These losses reduced very many such citizens from affluence to poverty; and,

Whereas, The present law which gave jurisdiction of claims on account of such depredations to the Court of Claims, known as the Act of March 3, 1891, expressly forbids the said Court of Claims to take jurisdiction of claims for losses accruing during the periods when the tribes to which Indians belonged were not in amity with the United States; and,

Whereas, Under said prohibition the Court of Claims had found that Comanche Indians were hostile in this State in 1860, and again in 1864 and 1865, and again in 1868 and 1869, and again in 1874 and 1875; and,

Whereas, While there may have been during these said periods a lack of peaceable relations between the said Indians and the citizens of Texas, there was, nevertheless, no status which could be properly defined to be warfare between the said Indians and the United States; and,

Whereas, The same law also forbids the Court of Claims to assume jurisdiction of claims on behalf of those who were not citizens of the United States at the date of the depredations; and,

Whereas, Many citizens of this State who had been citizens of the Republic of Texas had never been naturalized, but believed themselves, by virtue of the annexation of Texas, to be citizens thereof, and also citizens of the United States; and,

Whereas, Many of these were among the foremost and best citizens of the State, and contributed very considerably to the extension of the frontier and the settlement of the State, and should also have been entitled equally with those who were bona fide citizens to the protection of the United States, and to recompense for the losses incurred by them; therefore, be it

Resolved by the Senate, the House concurring, That the Congress of the United States be and the same is earnestly petitioned by the Legislature of the State of Texas to so amend the present law, known as the act of March 3, 1891, as to include within the jurisdiction of the court all claims whether committed dur-

ing a period of amity or a period of hostility, and also all claims on behalf of those who were permanent bona fide residents of the State of Texas.

The resolution was read second time, and

On motion of Senator Miller, was adopted.

Senator Miller moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

Motion to table prevailed.

#### COMMITTEE REPORTS.

(By unanimous consent.)

Committee Room,  
Austin, Texas, April 8, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Public Buildings and Grounds, to whom was referred

House Concurrent Resolution No. 21, Authorizing the Superintendent of Public Buildings and Grounds to lease the south one-half of Block 59, Division E, bounded on the east by Neches street and west by Fifth street, and the south by Fifth street, known as Market Square, and situated in the city of Austin, Travis county, Texas, to A. Basnett, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

Floor report.

JAMES, Chairman.

Committee Room,  
Austin, Texas, April 8, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 167, being a bill to be entitled "An Act to amend Article 645, of Chapter 2, of the Acts of 1874, relating to charters of corporations,"

And find the same correctly engrossed.

BEATY, Chairman.

#### SECOND HOUSE MESSAGE.

The following second House message was here delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, April 8, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee



report on Substitute House bill No. 31, the appropriation bill; 83 yeas, 24 nays.

The House insists upon the appointment of a Free Conference Committee on House bill No. 514, and refuses to concur in Senate amendments.

House has concurred in Senate amendment to House bill No. 328.

House has concurred in Senate amendments to House bill No. 181.

The House has passed the following bill:

Senate bill No. 271, A bill to be entitled "An Act to amend Article 943, of Chapter 3, Title XXVII, of the Revised Civil Statutes, prescribing the action of the Supreme Court upon the petitions for a writ of error to that court."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### HOUSE BILL NO. 514—REQUEST FOR FREE CONFERENCE COMMITTEE REFUSED.

Senator Miller called up the foregoing House message announcing the refusal of the House to concur in Senate amendments to House bill No. 514 (Dallas charter), and asking the appointment of a Free Conference Committee, and moved that the request of the House be not granted.

The motion prevailed, and

Senator Miller moved to reconsider the vote by which the motion prevailed, and lay that motion on the table.

Motion to table prevailed.

#### SENATE BILL NO. 105—FREE CONFERENCE COMMITTEE REPORT ADOPTED.

Austin, Texas, April 8, 1901.

*Hon. J. N. Browning, President of the Senate, and Hon. R. E. Prince, Speaker of the House of Representatives.*

SIRS: We, your Free Conference Committee appointed to adjust the differences between the House and Senate on House amendments to Senate bill No. 105, beg leave to report as follows:

"Amend Senate bill No. 105 by adding on page 2, line 12: 'Provided, that in cities and towns having an assessor and collector of taxes the levy of taxes for school purposes shall be based upon the same assessment of property upon which the levy for other city purposes is based; it is further provided, that in such cities and towns the assessor and collector of taxes shall receive no other compensation for collecting school taxes than the compensation paid him for assessing and collecting other city taxes and taxes for school purposes in such cities and towns

shall be assessed and collected as other city taxes are assessed and collected.'

"Amend further page 2, line 20, between the words 'allow' and 'not' the following: 'Except in cities and towns above provided for.'"

LIPSCOMB,

PAULUS,

ODELL,

SAVAGE,

On the part of the Senate.

HENDERSON of Lamar,

GLENN,

HEMPHILL,

WELLS of Grayson,

On the part of the House.

The foregoing report being read, it was, on motion of Senator Paulus, adopted.

Senator Paulus moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

Motion to table prevailed.

#### SENATE BILL NO. 180—CONSIDERATION OF HOUSE AMENDMENTS RESUMED.

The Senate here resumed consideration of the House amendments to

Senate bill No. 180, A bill to be entitled "An Act to amend Chapter 49 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-sixth Legislature, and approved March 29, 1899, by adding thereto Sections 7, 8 and 9, and to provide a penalty for the violation of said sections."

(For House amendments see under heading above.)

The House amendments being read, Senator Turney moved that they be concurred in.

The motion prevailed.

Senator Grinnan moved that the Senate reconsider the vote by which the House amendments were concurred in, and asked the same to be spread on the Journal.

It was so ordered.

#### SENATE CHAMBER DECORATION—RESOLUTION AUTHORIZING.

Pending action on the foregoing,

Senator Dibrell offered the following resolution:

Whereas, The Legislature of Texas has invited his Excellency, the President of the United States on his tour through the South to visit the capital of our State; and,

Whereas, His Excellency, the President, has accepted said invitation; and,

Whereas, It is fitting and necessary that some preparation be made for his reception; therefore, be it

Resolved, That the sum of three hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the contingent fund of the Senate for the purpose of preparing the Senate Chamber for the reception of the President, and that the Superintendent of Public Buildings and Grounds is hereby authorized to prepare said Chamber for said reception, and the Comptroller is directed to issue his warrant on the treasury against said fund to pay said account, after same has been approved by the Governor.

## RECESS.

On motion of Senator Potter, the Senate recessed until 3 o'clock p. m.

## AFTER RECESS.

## HOUSE BILL NO. 541—ON SECOND READING.

(President Pro Tem. Miller in the chair.)

Senator Grinnan moved that the pending order of business (Senate bill No. 169) be suspended and the Senate take up, out of its order,

House bill No. 541, A bill to be entitled "An Act to create a more efficient road system for Erath county, in this State, and making the county commissioners of said county ex-officio road commissioners and prescribing their duties as such and providing for their compensation as such road commissioners, and providing for the condemning of material for the construction and maintenance of public roads, and to provide for the compensation for the material used, and providing for the working of the county convicts on the public roads and the purchase of supplies for such convicts, and rewards for the capture of escaped county convicts and for commutation of sentence for faithful service and good behavior, and defining the powers and duties of road overseers, and to provide for the summoning of hands and teams for road work and the allowance for time for service of hands and teams on public roads, and fixing a penalty for the violation of same and relieving them from the performance of such work by the payment of three dollars, and providing further, making this act cumulative of the General laws now in force, and to repeal all laws in conflict with this act and declaring an emergency."

Senator Patterson made the point that a quorum was not present, and the roll was called to determine that point, the following Senators answering to their names:

## Present—12.

Davidson of	Neal.
Galveston.	Odell.
Grinnan.	Patterson.
Hanger.	Potter.
James.	Savage.
Lipscomb.	Turner.
Miller.	

## Absent—16.

Beaty.	Sebastian.
Dibrell.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
Johnson.	Turney.
Lloyd.	Wayland.
McGee.	Wheeler.
Paulus.	Wilson.

## Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

(Lieutenant-Governor Browning in the chair.)

Senator Grinnan moved a call of the Senate for the purpose of securing and maintaining a quorum, which call being duly seconded, the roll was called, the following Senators answering to their names:

## Present—21.

Davidson of	Neal.
Galveston.	Odell.
Dibrell.	Patterson.
Grinnan.	Paulus.
Hanger.	Potter.
James.	Savage.
Johnson.	Stafford.
Lipscomb.	Staples.
Lloyd.	Turner.
McGee.	Wayland.
Miller.	Wheeler.

## Absent—7.

Beaty.	Swann.
Harris of Bexar.	Turney.
Harris of Hunt.	Wilson.
Sebastian.	

## Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Senator Johnson was announced during roll call.

Senator Wayland was announced.

Senator Lloyd was announced.

Senator McGee was announced.

Senator Wheeler was announced.

Senator Stafford was announced.

Senator Paulus was announced, and

A quorum was announced present.

## HOUSE BILL NO. 541—LAID BEFORE THE SENATE.

The motion of Senator Grinnan to take House bill No. 541 up out of its order prevailed, and

The Chair laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Davidson of	Neal.
Galveston.	Odell.
Dibrell.	Patterson.
Grinnan.	Paulus.
Hanger.	Potter.
James.	Savage.
Johnson.	Stafford.
Lipscomb.	Staples.
Lloyd.	Turner.
McGee.	Wayland.
Miller.	Wheeler.

Absent.

Beaty.	Swann.
Harris of Bexar.	Turney.
Harris of Hunt.	Wilson.
Sebastian.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Bill was read third time, and passed. Senator Grinnan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 409—ON SECOND READING.

On motion of Senator Davidson of Galveston, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House bill No. 409, A bill to be entitled "An Act to aid Brazoria county, Texas, by supplementing the road and bridge fund by donating and granting to it the State ad valorem and occupation taxes collected upon property and persons in said county for a period of ten years, and providing for a proper transfer to said fund."

On motion of Senator Davidson of Galveston the Senate rule requiring committee reports to lay over for one day was suspended for the purpose of considering the bill on its second reading.

(Bill reported from committee this day.)

The Chair laid the bill before the Senate, on its second reading.

Bill was read second time, and

Senator Davidson of Galveston offered the following amendment:

1. "Amend in line 6, after the word

'and,' by inserting the words 'three-fourths of the.'"

2. "Amend in line 16, after the word 'and,' by inserting the words 'three-fourths of the.'"

Amendment was read, and adopted.

Senator Beaty was announced.

Senator Swann was announced.

Senator Savage offered the following amendment:

"Amend by including all other coast counties swept by the storm of September 8th."

Amendment was read, and lost.

Bill was then passed to a third reading by the following vote:

Yeas—14.

Davidson of	Miller.
Galveston.	Neal.
Dibrell.	Patterson.
Grinnan.	Paulus.
Hanger.	Swann.
Johnson.	Turner.
Lipscomb.	Wayland.
McGee.	

Nays—7.

James.	Savage.
Lloyd.	Staples.
Odell.	Wheeler.
Potter.	

Absent.

Beaty.	Stafford.
Harris of Bexar.	Turney.
Harris of Hunt.	Wilson.
Sebastian.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

#### SUBSTITUTE HOUSE BILL NO. 138—ON SECOND READING.

On motion of Senator Patterson, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

Substitute House bill No. 138, A bill to be entitled "An Act to amend Article 472, Chapter 6, Title XII, of the Penal Code of the State of Texas, and by adding to said chapter Articles 478a, 478b, 478d, relating to quarantine; and to repeal all laws and parts of laws in conflict herewith."

The Chair laid the bill before the Senate, on its second reading.

The bill was read second time, and passed to a third reading.

On motion of Senator Patterson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Davidson of	Dibrell.
Galveston.	Grinnan.

Hanger.	Patterson.
James.	Paulus.
Johnson.	Potter.
Lipscomb.	Savage.
Lloyd.	Staples.
McGee.	Swann.
Miller.	Turner.
Neal.	Wayland.
Odell.	Wheeler.

Absent.

Beaty.	Stafford.
Harris of Bexar.	Turney.
Harris of Hunt.	Wilson.
Sebastian.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Bill was read third time, and passed by the following vote:

Yeas—21.

Davidson of	Neal.
DeWitt.	Odell.
Dibrell.	Patterson.
Grinnan.	Paulus.
Hanger.	Potter.
James.	Savage.
Johnson.	Stafford.
Lipscomb.	Staples.
Lloyd.	Swann.
McGee.	Turner.
Miller.	Wayland.

Present—Not voting.

Wheeler.

Absent.

Beaty.	Sebastian.
Harris of Bexar.	Turney.
Harris of Hunt.	Wilson.

Absent—Excused.

Davidson of	Goss.
Galveston.	Yett.

Senator Patterson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

## THIRD HOUSE MESSAGE.

The following third House message was here delivered to the Senate:

Hall of the House of Representatives.  
Austin, Texas, April 8, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 275, A bill to be entitled "An Act to amend Chapter 159, of the General Laws, relating to the appropriation of twelve thousand dollars (\$12,000) to pay to officers and men of the Texas volunteers, prior to the inmuster-

ing into the service of the United States, in the late war with Spain; to pay those who were rejected; to pay for the necessary supplies, subsistence and transportation prior to their being mustered into service; to authorize the Governor to collect from the United States all moneys expended under this act, extending the time for filing claims under said act, and making an appropriation for payment of said claims."

Senate bill No. 222, A bill to be entitled "An Act to amend Article 5060g, Title CIV, Chapter 1a, of the Revised Civil Statutes of the State of Texas of 1895, regulating bond of liquor dealers."

Also the House adheres to its former position on House bill No. 514.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

## SENATE BILLS NOS. 288 AND 273—SIGNED.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

Senate bill No. 288, "An Act to amend Article 276, Title XII, Chapter 1, of the Revised Statutes of 1895, so as to include the Fifty-first district in the list of those which elect a district attorney."

Senate bill No. 273, "An Act to authorize the Texas, Sabine Valley & Northwestern Railway Company, the Texas & Sabine Valley Railway Company, and the Marshall, Timpson & Sabine Pass Railroad Company, or either of them, or any two of them, to sell their railroads, together with all their property, franchises and rights incident or appertaining thereto, to any railroad corporation to be chartered for the purpose of building and constructing a railroad from either the terminus of the Texas & Sabine Valley Railroad at Boren, in Panola county, Texas, through the counties of Panola, Shelby, San Augustine, Jasper, Orange and Jefferson, in Texas, to some point in Texas on the Gulf of Mexico, or from the terminus of the Marshall, Timpson & Sabine Pass Railroad at Timpson, Shelby county, Texas, through the counties of Shelby, San Augustine, Jasper, Orange and Jefferson, in Texas, to some point in Texas on the Gulf of Mexico, and from the terminus of the Texas, Sabine Valley and Northwestern Railroad at Longview, in Gregg county, Texas, through the counties of Gregg, Upshur, Camp, Wood, Franklin, Hopkins, Delta and Lamar, in Texas, to some point on the line between Texas and the Indian Territory, and to authorize the new company to purchase the railroads, property, rights

and franchises of either one, two or all of said railroad companies, the purchasing company to assume all the obligations of the selling companies except their bonded indebtedness, and to prescribe the terms and conditions of the sale and to authorize the selling companies to execute all necessary contracts, agreements and conveyances to accomplish the purchase and sale, and to allow the purchasing company to build and construct branch lines to its line of railway by amendments to its charter in accordance with law."

#### HOUSE CONCURRENT RESOLUTION NO. 21—ADOPTED.

(Senator Potter in the chair.)

On motion of Senator James, the pending order of business (Senate bill No. 169) was suspended and the Senate took up, out of its order,

House Concurrent Resolution No. 21, Authorizing the Superintendent of Public Buildings and Grounds to lease certain lots in the city of Austin.

The Chair laid the resolution before the Senate, on its second reading.

Resolution was read second time, and adopted.

Senator James moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILLS SIGNED BY THE PRESIDENT.

(Lieutenant-Governor Browning in the chair.)

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House bill No. 484, "An Act to authorize the city of Bryan to dispose of certain public grounds within said city with Senate amendments.

House bill No. 181, "An Act to amend Article 787, Chapter 3, Title XVII, of the Penal Code of the State of Texas," with Senate amendments.

House bill No. 379, "An Act to amend Article 4365, of the Revised Civil Statutes of the State of Texas, and to validate all charter amendments in accordance with this article as amended."

House bill No. 516, "An Act to create a more efficient road system for Cherokee county, Texas, and making the county commissioners of said county ex-officio road commissioners, prescribing their duties, providing compensation for their services, and requiring that they give bond; providing that the commissioners or overseers shall summon hands to bring teams, tools, etc., to perform work on the roads; providing compensation

for overseers, teams, tools, etc.; providing for the working of county convicts on the public roads; fixing the compensation for such service; providing guards, board, lodging and medical aid for the same; giving rewards for the capture of escaped convicts, and giving commutation of sentence for faithful or meritorious service; requiring delinquent poll tax payers to work out their poll tax on the public roads, and providing for a special road tax, and requiring that no part of the road and bridge fund or other special road tax shall ever be diverted to any other purpose, and declaring an emergency."

House bill No. 328, "An Act to amend Chapter 5, of the Criminal Code of the State of Texas, by adding thereto Article 430b, prohibiting the shooting, hunting or killing of wild ducks, wild geese or other wild aquatic fowls at night in Harris, Jefferson and Galveston counties."

#### COMMITTEE REPORT.

(By unanimous consent).

Committee Room,  
Austin, Texas, April 8, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 273, "An Act to authorize the Texas, Sabine Valley & Northwestern Railway Company, the Texas & Sabine Valley Railway Company and the Marshall, Timpson & Sabine Pass Railroad Company, or either of them, or any two or them, to sell their railroads, together with all their property, franchises and rights incident or appertaining thereto, to any railroad corporation to be chartered for the purpose of building and constructing a railroad from either the terminus of the Texas & Sabine Valley Railway, at Boren, in Panola county, Texas, by way of Tenaha, in Shelby county, Texas, through the counties of Panola, Shelby, San Augustine, Jasper, Orange and Jefferson, in Texas, to some point in Texas on the Gulf of Mexico, or from the terminus of the Marshall, Timpson & Sabine Pass Railroad, at Timpson, Shelby county, Texas, through the counties of Shelby, San Augustine, Jasper, Orange and Jefferson, in Texas, to some point in Texas on the Gulf of Mexico, and from the terminus of the Texas, Sabine Valley & Northwestern Railway, at Longview, in Gregg county, Texas, through the counties of Gregg, Upshur, Camp, Wood, Franklin, Hopkins, Delta and Lamar, in Texas, to some point on the line between

Texas and the Indian Territory; and to authorize the new company to purchase the railroads, property, rights and franchises of either one, two or all of said railway companies, the purchasing company to assume all the obligations of the selling companies except their bonded indebtedness; and to prescribe the conditions and terms of the sale; and to authorize the selling companies to execute all necessary contracts, agreements and conveyances to accomplish the purchase and sale; and to allow the purchasing company to build and construct branch lines to its line of railway by amendments to its charter in accordance with law."

And find the same correctly enrolled, and have this day, at 4:05 o'clock p. m., presented the same to the Governor for his approval.

WHEELER, Acting Chairman.

#### PRIVILEGED COMMUNICATION.

Austin, Texas, April 8, 1901.

*To the Hon. J. N. Browning, Lieutenant-Governor and President of the Senate, and to the Honorable Senate of the Texas Legislature:*

In behalf of the Daughters of the Republic of Texas, and especially the William B. Travis Chapter of Austin, we extend to you and your honorable body our grateful and heartfelt thanks for your generous donations to the following favors, which are as gratefully appreciated by other patriotic people of Texas as by ourselves, namely:

First. For the donation to enclose the San Jacinto battlefield.

Second. For the purchase of the portrait of our statesman of the Texas Republic, Vice-President Lorenzo de Zavala.

Third. For the donation providing for the execution in marble from the Ney plaster cast models, the statues of Gen. Sam Houston and Stephen F. Austin.

And, furthermore, for your wisdom in placing this delicate task in the hands of His Excellency, the Governor of Texas, and the artist, Elizabet Ney, which assures us of its execution in a way which will reflect credit and honor on them and on your honorable body, as well as the great State you represent.

MRS. REBECCA J. FISHER,  
President William B. Travis Chapter.

MISS TALIAFERRO,  
Secretary William B. Travis Chapter.

MRS. J. J. ARTHUR, Chair.;

MRS. LILLIE T. SHAVER,

MRS. A. C. GRAHAM,

Committee.

#### HOUSE BILL NO. 390—ON SECOND READING.

(Senator Potter in the chair.)

Senator Savage moved that the pending order of business (Senate bill No. 169) be suspended and the Senate take up, out of its order,

House bill No. 390, A bill to be entitled "An Act requiring railroads to provide suitably equipped flat cars for the shipment of lumber and timber; to furnish such cars when requested so to do to shippers, and on failure so to do, authorizing the shipper to suitably equip such cars as are furnished and to recover the value of such equipments before any court of competent jurisdiction in this State."

Motion to suspend pending business prevailed by the following vote:

Yeas—21.

Beaty.	Odell.
Davidson of	Patterson.
Galveston.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
James.	Staples.
Johnson.	Swann.
Lipscomb.	Turner.
Lloyd.	Wayland.
McGee.	Wheeler.
Neal.	Wilson.

Nays—2.

Hanger.	Miller.
	Absent.
Harris of Bexar.	Stafford.
Harris of Hunt.	Turney.
Sebastian.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Senator Savage then moved that the Senate rule requiring committee reports to lay over for one day be suspended for the purpose of considering the bill on its second reading.

Motion to suspend Senate rule prevailed by the following vote:

Yeas—16.

Davidson of	Odell.
Galveston.	Patterson.
Dibrell.	Paulus.
Grinnan.	Potter.
James.	Savage.
Lipscomb.	Staples.
Lloyd.	Turner.
McGee.	Wayland.
Neal.	

Nays—5.

Beaty.	Miller.
Hanger.	Wilson.
Johnson.	

## Absent.

Harris of Bexar. Swann.  
Harris of Hunt. Turney.  
Sebastian. Wheeler.  
Stafford.

## Absent—Excused.

Davidson of Goss.  
DeWitt. Yett.

The Chair (Senator Potter) laid the bill before the Senate on its second reading.

Bill was read second time, and

SENATE BILL NO. 166—HOUSE  
AMENDMENTS CONCUR-  
RED IN.

Senator Patterson called up, as a privileged motion, from the table, where it lay with House amendments,

Senate bill No. 166, A bill to be entitled "An Act to authorize and empower the Railroad Commission of the State of Texas to regulate railways crossing each other; to provide for interlocking or other safety appliances or devices of equal security to prevent trans colliding at such crossings, and to provide a penalty for refusal to comply with the provisions of this act, and to repeal all laws in conflict with this act."

And moved that the Senate concur in the following House amendments:

"The near approach of the end of the present session and the crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is hereby suspended.

"Amend by striking out the words, on lines 6 and 7, page 2, 'of equal security,' and insert in lieu thereof the words 'and regulations to be designated by the Railroad Commissioner of Texas, also by striking out 9, 10, 11, page 2, after the word 'crossings,' to and include the word 'watchman.'

"Also amend by adding the words 'or protect' after the word 'interlock,' page 2, line 23.

"Also strike out the words 'to the satisfaction of said,' in line 24, page 2, and insert in lieu thereof the words 'by safety devices to be designated by the.'"

The motion prevailed.

HOUSE BILL NO. 390—CONSIDERA-  
TION OF RESUMED.

The Senate here resumed consideration of pending business, House bill No. 390 (see caption under heading above).

The bill having been read second time, Senator Beaty offered the following amendment:

"Amend the bill by striking out the words 'lumber and timber' wherever the same appear in the bill and the caption of same."

Amendment was read, and lost.

Senator Miller offered the following amendment:

"Amend Section 1 by adding after the words 'flat cars' 'belonging to said railroad companies.'"

Senator Odell moved the previous question on the amendment and the bill, which motion being duly seconded, the Chair (Senator Potter) put the question—

Shall the main question be now ordered?

On that question,

Senator Miller moved a call of the Senate, which call being duly seconded, the roll was called, the following Senators answering to their names:

## Present—25.

Beaty.	Odell.
Davidson of	Patterson.
Galveston.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
Hanger.	Stafford.
Harris of Bexar.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wheeler.
Neal.	Wilson.

## Absent—3.

Harris of Hunt. Sebastian.  
McGee.

## Absent—Excused.

Davidson of Goss.  
DeWitt. Yett.

Senator Savage moved that the absentees as shown by the foregoing roll call be excused.

Motion to excuse was lost by the following vote (requiring two-thirds of those present):

## Yeas—15.

Davidson of	Odell.
Galveston.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
James.	Stafford.
Johnson.	Staples.
Lipscomb.	Swann.
Lloyd.	Wheeler.

## Nays—9.

Beaty.	Patterson.
Hanger.	Turner.
Harris of Bexar.	Wayland.
Miller.	Wilson.
Neal.	

Present—Not voting.

Turney.

Absent.

Harris of Hunt. Sebastian.  
McGee.

Absent—Excused.

Davidson of Goss.  
DeWitt. Yett.

Pending business, House bill No. 390, in consequence went to the table temporarily.

#### FOURTH HOUSE MESSAGE.

The following fourth House message was here delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, April 8, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 166, A bill to be entitled "An Act to authorize, require and empower the Railroad Commission of the State of Texas to regulate railways crossing each other; to provide for interlocking or other safety appliances or devices of equal security to prevent trains colliding at such crossings, and to provide a penalty for refusal to comply with the provisions of this act; and to repeal all laws and parts of laws in conflict with this act," with amendments.

Senate bill No. 145, A bill to be entitled "An Act to amend Article 290, of the Penal Code of the State of Texas, to further define 'barratry' so as to include the fomenting of litigation by attorneys at law by soliciting employment or advancing money or other things of value to the parties to litigations in order to procure employment."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### FIFTH HOUSE MESSAGE.

The following fifth House message was here delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, April 8, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on Senate bill No. 105.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### HOUSE BILL NO. 436—PENDING ON SECOND READING.

Senator Odell moved that the pending order of business (Senate bill No. 169) be suspended and the Senate take up, out of its order,

House bill No. 436, A bill to be entitled "An Act to regulate the hours of daily service of laborers, workmen and mechanics employed upon the public works of or work done for the State of Texas, and providing contract stipulations therefor, and fixing penalties for the violation of the provisions of this act."

Motion to suspend pending business prevailed by the following vote:

Yeas—19.

Beaty.	Odell.
Davidson of Paulus.	
Galveston.	Potter.
Grinnan.	Savage.
Harris of Bexar.	Stafford.
James.	Staples.
Lipscomb.	Swann.
Lloyd.	Turner.
McGee.	Wheeler.
Miller.	Wilson.

Nays—7.

Dibrell.	Patterson.
Hanger.	Turney.
Johnson.	Wayland.
Neal.	

Absent.

Harris of Hunt. Sebastian.

Absent—Excused.

Davidson of Goss.  
DeWitt. Yett.

The bill having been read second time, Senator Harris of Bexar offered the following amendment:

"Amend by adding after the word 'militia,' in line 25, page 2, the words 'or to the regularly appointed officials, clerks and employes in any branch of the public service.'"

Amendment was read.

Senator Turner moved the previous question on the amendment and the bill, which motion was duly seconded.

Pending ordering the main question, Senator Dibrell moved a call of the Senate, which call being duly seconded, the roll was called, the following Senators answering to their names:

Present—27.

Beaty.	Johnson.
Davidson of Lipscomb.	
Galveston.	Lloyd.
Dibrell.	McGee.
Grinnan.	Miller.
Hanger.	Neal.
Harris of Bexar.	Odell.
James.	Patterson.



Paulus.	Swann.
Potter.	Turner.
Savage.	Turney.
Sebastian.	Wayland.
Stafford.	Wheeler.
Staples.	Wilson.

Absent—1.

Harris of Hunt.

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Senator Odell moved that the absentees as shown by the foregoing call be excused.

Motion to excuse the absentees prevailed by the following vote:

Yeas—18.

Davidson of	Paulus.
Galveston.	Potter.
Grinnan.	Sebastian.
Harris of Bexar.	Stafford.
James.	Staples.
Lipscomb.	Swann.
Lloyd.	Turner.
McGee.	Wheeler.
Miller.	Wilson.
Odell.	

Nays—7.

Dibrell.	Patterson.
Hanger.	Savage.
Johnson.	Wayland.
Neal.	

Absent.

Beaty.	Turney.
Harris of Hunt.	

Absent—Excused.

Davidson of	Yett.
DeWitt.	Goss.

The Chair (Senator Potter) then put the question—

Shall the main question be now ordered?

The main question was ordered, and the amendment offered by Senator Harris of Bexar (see above) was adopted.

#### MOTION TO ADJOURN—LOST.

Senator Patterson moved that the Senate stand adjourned until 9 o'clock a. m. Tuesday, April 9.

Motion to adjourn was lost by the following vote:

Yeas—8.

Dibrell.	Miller.
Hanger.	Patterson.
Johnson.	Savage.
Lloyd.	Wayland.

Nays—14.

Davidson of	Harris of Bexar.
Galveston.	James.
Grinnan.	Lipscomb.

McGee.	Swann.
Odell.	Turner.
Paulus.	Wheeler.
Potter.	Wilson.
Staples.	

Absent.

Beaty.	Sebastian.
Harris of Hunt.	Stafford.
Neal.	Turney.

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

#### HOUSE BILL NO. 436—CONSIDERATION OF RESUMED.

House bill No. 436 was then passed to a third reading by the following vote:

Yeas—20.

Beaty.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Grinnan.	Stafford.
Harris of Bexar.	Staples.
James.	Swann.
Lipscomb.	Turner.
Lloyd.	Wayland.
McGee.	Wheeler.
Miller.	Wilson.
Odell.	

Nays—4.

Dibrell.	Johnson.
Hanger.	Patterson.

Absent.

Harris of Hunt.	Sebastian.
Neal.	Turney.

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Senator Odell moved to reconsider the vote by which the bill was passed to a third reading, and lay that motion on the table.

Motion to table prevailed.

#### SIXTH HOUSE MESSAGE.

The following sixth House message was here delivered to the Senate:

Hall of the House of Representatives.  
Austin, Texas, April 8, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 101, A bill to be entitled "An Act to prohibit the keeping or exhibiting for the purpose of gaming any gaming table or bank, pigeon hole table or jenny lind table, or nine or ten pin alley of any kind whatever regardless of the number of pins, balls or rings used for gaming."

Senate bill No. 140, A bill to be entitled "An Act to amend Articles 529, 529e and 529g, and repealing Article 529l, of Chapter 56, of the General Laws of the State of Texas of 1899, and adding Articles 529v and 529w to Chapter 5, Title XIII, of the Revised Penal Code of the State of Texas of 1895: and amending Article 529s, of Chapter 98, of the General Laws of the State of Texas of 1897, relating to the offenses for the protection of fish, birds, game, etc., and repealing all laws in conflict herewith."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

# SENATE BILL NO. 180—VOTE RE-CONSIDERED.

Senator Miller here called up the motion of Senator Grinnan to reconsider the vote by which the Senate concurred in the House amendments to Senate bill No. 180 (oil bill), and he moved to lay the same on the table.

The motion to table the motion to reconsider was lost by the following vote:

Yeas—11.

Beaty.	McGee.
Davidson of	Miller.
Galveston.	Paulus.
Hanger.	Turner.
Harris of Bexar.	Wheeler.
Lipscomb.	Wilson.

Nays—11.

Dibrell.	Potter.
Grinnan.	Savage.
James.	Staples.
Johnson.	Swann.
Lloyd.	Wayland.
Patterson.	

Present—Not voting.

Odell.

Absent.

Harris of Hunt.	Stafford.
Neal.	Turney.
Sebastian.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Question recurring on the motion of Senator Grinnan to reconsider the vote by which the House amendments to Sen-

ate bill No. 180 were concurred in, the same prevailed by the following vote:

Yeas—17.

Dibrell.	Paulus.
Grinnan.	Potter.
James.	Savage.
Johnson.	Stafford.
Lipscomb.	Staples.
Lloyd.	Swann.
Neal.	Wayland.
Odell.	Wilson.
Patterson.	

Nays—6.

Beaty.	McGee.
Davidson of	Miller.
Galveston.	Wheeler.
Harris of Bexar.	

Absent.

Hanger.	Turner.
Harris of Hunt.	Turney.
Sebastian.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

## ADJOURNMENT.

On motion of Senator Hanger, the Senate, at 5:20 o'clock p. m., adjourned until 9:30 o'clock a. m. Tuesday, April 9, by the following vote:

Yeas—16.

Beaty.	Miller.
Davidson of	Neal.
Galveston.	Patterson.
Dibrell.	Potter.
Grinnan.	Savage.
Hanger.	Stafford.
Johnson.	Swann.
Lipscomb.	Wayland.
Lloyd.	

Nays—9.

Harris of Bexar.	Staples.
James.	Turner.
McGee.	Wheeler.
Odell.	Wilson.
Paulus.	

Absent.

Harris of Hunt.	Turney.
Sebastian.	

Absent—Excused.

Davidson of	Goss.
DeWitt.	Yett.

Sacred to the Memory  
of  
Mrs. W. A. Lanier,  
of Sulphur Springs, Texas.

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Senator Johnson offered the following resolution:

Whereas, Death has visited a near relative of a member of this Senate, and God in his infinite wisdom has called Mrs. W. A. Lanier, the sister of Senator C. L. Potter, to the last and best reward of a kind, lovable and Christian character; therefore be it

Resolved, That the sincere sympathy and condolence of this Senate be extended to our brother member, Hon. C. L. Potter, and the other relatives of the deceased, and a memorial page in the Senate Journal be set aside as a tribute of respect to the memory of Mrs. Lanier.

Resolution was read second time, and

Senator Wayland moved that it be adopted by a rising vote.  
The motion prevailed unanimously.

## FIFTH-SEVENTH DAY.

Senate Chamber,  
Austin, Tex., Tuesday, April 9, 1901.

Senate met pursuant to adjournment.  
Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

## Present—28.

Beaty.	Odell.
Davidson of	Patterson.
Galveston.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
Hanger.	Sebastian.
Harris of Bexar.	Stafford.
Harris of Hunt.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
McGee.	Wheeler.
Miller.	Wilson.
Neal.	

## Absent—1.

Yett.

## Absent—Excused.

Davidson of Goss.  
DeWitt.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Dibrell, the same was dispensed with.

## EXCUSED.

On motion of Senator Wheeler, Senator Yett was excused for non-attendance upon the Senate yesterday and for today on account of important business.

On motion of Senator Johnson, all members who have been serving on committees for the last ten days, and shown absent by roll calls on those days, were excused on account of official business.

On motion of Senator Grinnan, Senator Harris of Hunt was excused for non-attendance upon the Senate on yesterday on account of important business.

The Chair here declared the morning call concluded.

## THANKS OF THE SENATE—RESOLUTION EXTENDING.

Senator Potter offered the following resolution:

"Whereas, The Regular Session of the Senate of the Twenty-seventh Legislature will adjourn at noon, April 9, 1901, and we will separate after a pleasant association of three months; and

"Whereas. We desire to show our appreciation of the courtesies shown us by those who have been called upon to preside over this Senate during this very pleasant session; therefore, be it

"Resolved, That the thanks of the Senate be and they are hereby tendered to the Honorable J. N. Browning, Lieutenant-Governor of Texas, the President of this body, and to the Honorable Barry Miller, the Senator from Dallas, President Pro Tem. of the Senate, for the marked ability and fairness with which they have presided over this body during our session, and for the extreme courtesy and impartiality which directed their rulings at all times, assuring each of them of our very good wishes and friendship.

"Resolved, further, That we appreciate earnest efforts of the officers, clerks and employes of this Senate, who have ever been ready to assist us wherever possible, to discharge our public duty, endeavoring to lighten our burdens and make pleasant our stay at this capitol, and we thank them for their efficiency and faithfulness.

"Resolved, further, That we extend our thanks and appreciation to the newspaper reporters, who have so faithfully, fairly and justly reported the proceedings of the Senate during the session."

The resolution was read, and

On motion of Senator Potter, was laid on the table subject to call.

## POST-SESSION CLERICAL WORK—REPORT OF COMMITTEE.

Committee Room,  
Austin, Texas, April 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: We, your Committee, appointed under resolution to recommend such officers and employes as should be retained after adjournment, and to specify their duties, number of days pay, etc., beg leave to report as follows:

First. We recommend that the Secretary, J. P. Pool, the Journal Clerk, M. L. Goodwin, the Assistant Journal Clerk, M. G. Sanders, each be retained for twenty-five days after adjournment, and that they be instructed to prepare and deliver to the public printer the Journal of the Senate, together with a complete and comprehensive index to same, and to deliver to the Secretary of State all documents, bills, etc., and Journals by law required to be delivered to him by the Secretary of the Senate, and to tabulate and have printed as an appendix to the Journals, a correct and complete list of notaries public as confirmed by the Senate.